

Monthly Forecast

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Overview

Guatemala will preside over the Security Council in October. It is planning to hold three open debates during the month. In mid-October, an open debate on [the role of the International Criminal Court and its relation to the Council](#) will be chaired by Foreign Minister Harold Caballeros. The Secretary-General may brief the Council. The quarterly open debate on the [Middle East](#) is also planned, with a briefing by the Under-Secretary-General for Political Affairs, Jeffrey Feltman. Late in the month, the annual open debate on [women, peace and security](#) is expected, with the head of UN Women, Michelle Bachelet and the head of UN peacekeeping, Hervé Ladsous, expected as briefers. The Secretary-General may also address the Council.

Two country-specific debates are expected: a debate on [Haiti](#) and the work of the UN Stabilisation Mission in Haiti (MINUSTAH) with a briefing by its head, Mariano Fernández; and a debate on [Somalia](#) and the work of the AU Mission in Somalia (AMISOM) with the Special Representative of the Secretary-General, Augustine Mahiga, briefing (most likely by videoconference). The AU Commissioner for Peace and Security, Ramtane Lamamra, may also brief the Council.

The Council expects to be briefed by President Shireen Avis Fisher and Prosecutor Brenda Hollis of the [Special Court for Sierra Leone](#) on developments related to the final phase of its work. Members will also hold their annual private meeting with the President of the [International Court of Justice](#), Judge Peter Tomka.

Briefings in consultations are likely on:

- developments in [Sudan/South Sudan](#), by Special Envoy of the Secretary-General Haile Menkerios (most likely by videoconference);
- the [UN Interim Security Force for Abyei \(UNISFA\)](#), by the Under-Secretary-General for Peacekeeping, Hervé Ladsous;
- the [AU/UN Hybrid Operation in Darfur \(UNAMID\)](#), also by Ladsous;
- the implementation of [resolution 1559 on Lebanon](#), by Special Envoy Terje Roed-Larsen; and

- the work of the [1572 Côte d'Ivoire Sanctions Committee](#) by its chair, Ambassador Gert Rosenthal (Guatemala).

In addition, briefings and consultations are possible on developments in the [Democratic Republic of the Congo](#) and [Syria](#), and on the plans for an international force in [Mali](#).

Formal sessions will be needed to adopt resolutions renewing the mandate of [MINUSTAH](#) and the authorisations for [AMISOM](#) and the [International Security Assistance Force for Afghanistan \(ISAF\)](#).

In line with Article 24(3) of the UN Charter, the Council plans to adopt its annual report to the General Assembly in October.

At press time, Council members were discussing plans for a possible visiting mission in October to [Afghanistan](#) and [Yemen](#).

On 18 October, the General Assembly is scheduled to hold an election for the five non-permanent members of the Security Council who will replace Colombia, Germany, India, Portugal and South Africa whose terms end on 31 December. •

28 September 2012

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IN HINDSIGHT: Syria

At press time, the Council was not scheduled to hold a meeting in October focused on Syria despite continuing intensification of the crisis there. After the conclusion of the UN Supervision Mission in Syria (UNSMIS) on 19 August and decreased Council activity on Syria, it may be timely to take stock of the Council's response to the situation.

Syria Raised

Since being first discussed by the Council on 26 April 2011, when the Secretary-General briefed on the unfolding crisis, Syria has been dealt with under the agenda item “the situation in the Middle East” (existing since 1960). The following day the then head of the Department of Political Affairs, B. Lynn Pascoe, briefed on the anti-government demonstrations, which had begun in mid-March. Russia asserted that Council action on Syria would constitute interference in a domestic matter. Lebanon, at the time an elected member, was also reluctant.

As the crisis in Syria continued, it became apparent that divisions in the Council were affecting its ability to engage effectively on the issue. In May 2011, EU members raised the situation several times during Council meetings (including during the 10 May open debate on protection of civilians) while Pascoe also started using the monthly “horizon-scanning” briefings to highlight the Syrian crisis.

Divisions Deepen

By June 2011, supporters of Council action on Syria had the necessary nine votes for a resolution condemning the Syrian government's response to the crisis. Yet China and Russia emphasised the internal nature of the situation, while both countries—along with Brazil, India and South Africa—were also wary of Council action. It was only on 3 August 2011 that the Council adopted a presidential statement (S/PRST/2011/16) expressing concern over the deteriorating situation in Syria.

No Consensus

In August 2011, the UK—with EU and US support—circulated a draft resolution calling for an assets freeze on President Bashar al-Assad and other key figures, a travel ban, an arms embargo and the establishment of a sanctions committee. The draft was contentious with Russia most notably arguing

that dialogue should be pursued with Syria, not sanctions. As other members likewise expressed reservations, the text was modified to address some of the concerns while retaining the non-compliance language in the resolution.

On 4 October 2011, the Council voted on a draft resolution (S/2011/612) condemning Syria's excessive use of force and expressing the Council's intention to consider further non-military measures. Nine Council members voted in favour of the draft resolution and four abstained (Brazil, India, Lebanon and South Africa), but the resolution was vetoed by China and Russia (see table below), paralysing the Council.

On 15 December 2011, Russia called for consultations to discuss a draft resolution on Syria it had proposed calling for a cessation of violence by all parties. Yet the draft did not include elements that others considered essential, including withdrawal of the military from the streets.

Different Year, Same Divisions

On 1 February, Morocco formally submitted a new draft supporting the political transition in Syria as outlined by the Arab League on 22 January. Although the draft included additional co-sponsors, mainly Turkey and ten other Arab states, the draft resolution (S/2012/77) was vetoed again (S/PV.6711) by China and Russia on 4 February (all other members voted in favour).

As the crisis continued, Kofi Annan—who had been appointed UN-Arab League Joint Special Envoy pursuant to a 16 February General Assembly resolution (A/RES/66/253)—briefed Council members on 16 March about his mediation efforts. During this short period the Council acted with a degree of unanimity as demonstrated on 21 March when the Council adopted a presidential statement (S/PRST/2012/6) supporting Annan's “six-point plan”. This called for an inclusive political process, cessation of all violence, humanitarian access, release of those arbitrarily detained, access for journalists and the right to peaceful demonstrations. On 5 April, the Council issued a presidential statement (S/PRST/2012/10) calling on the Syrian government to cease violence by 10 April and the opposition to do likewise 48 hours thereafter.

Subsequently, through resolution 2042, on

14 April the Council authorised the deployment of an advance team of 30 unarmed military observers to report on the implementation of the cessation of armed violence by all parties. On 21 April, it adopted resolution 2043, establishing UNSMIS for 90 days and calling for the urgent implementation of the six-point plan. The mission, under the command of Gen. Robert Mood, was comprised of up to 300 military observers.

Throughout UNSMIS's mandate, the Council was briefed every 15 days. On 16 June, Gen. Mood decided to suspend UNSMIS activities due to the deliberate targeting of the mission and other security concerns. From that point, the relatively unified approach of Council members began to dissolve, as it appeared UNSMIS would not have the desired impact on the ground. Foreign Ministers of the P5 met in Geneva—along with regional representatives—and this “Action Group for Syria” issued a 30 June communiqué calling for all parties to recommit to the six-point plan and mapped out steps for a “Syrian-led political process leading to a transition.” Yet fundamental divisions remained as to what this political transition would involve and whether it was contingent on Assad's removal from power.

On 11 July, the UK circulated a draft resolution (S/2012/538) under Chapter VII. The text endorsed the 30 June communiqué, renewed UNSMIS for 45 days and threatened sanctions on the Syrian government if it did not cease its activities within ten days. Russia also circulated a draft resolution (S/2012/547/Rev.2), endorsing the communiqué, renewing UNSMIS for three months but making no references to consequences for non-compliance. The Council voted on the UK draft (but not the Russian draft), which was again vetoed by China and Russia on 19 July (Pakistan and South Africa abstained). The following day, the Council unanimously adopted resolution 2059, tersely renewing UNSMIS for a final 30 days.

Frustrated by little traction gained by the six-point plan, Annan announced his resignation on 2 August. Lakhdar Brahimi (Algeria) was appointed Joint Special Representative for Syria as of 1 September. After traveling to Syria and the region, Brahimi briefed Council members on 24 September, keeping expectations of what could be achieved rather low. •

IN HINDSIGHT: Syria (con't)

SYRIA: COUNCIL VOTES TAKEN ON DRAFT RESOLUTIONS

DATE OF VOTE	UN DOCUMENT	CONTENTS	OUTCOME OF VOTE
4 Oct 2011	S/2011/612	Condemned use of force by Syrian authorities. Expressed intention to consider further options, including measures under article 41.	Not adopted (9-2-4) Veto: China; Russia. Abstention: Brazil; India; Lebanon; South Africa.
4 Feb 2012	S/2012/77	Supported the Arab League's 22 January decision to facilitate a Syrian-led political transition.	Not adopted (13-2-0) Veto: China; Russia.
14 April 2012	S/2012/219 (S/RES/2042)	Authorised the deployment of 30 military observers to Syria.	Adopted (15-0-0)
21 April 2012	S/2012/245 (S/RES/2043)	Established UNSMIS for 90 days.	Adopted (15-0-0)
19 July 2012	S/2012/538	Stipulated that Syrian authorities cease troop movements – and use of heavy weapons – in population centres. Stipulated that article 41 measures would be imposed in the case of non-compliance.	Not adopted (11-2-2) Veto: China; Russia. Abstention: Pakistan; South Africa.
20 July 2012	S/2012/560 (S/RES/2059)	Extended UNSMIS for a final 30 days.	Adopted (15-0-0)

Status Update since our September Forecast

Iraq

On 11 September, Council members issued a press statement (SC/10757) and condemned the wave of terrorist attacks across Iraq on 8 and 9 September. The members of the Security Council “reaffirmed that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security.”

Libya

On 12 September, Jeffrey Feltman, Under-Secretary-General for Political Affairs, presented to the Council the latest Secretary-General's report (S/2012/675) on UNSMIL (S/PV.6832). Feltman also drew the attention to the death of four Americans killed in Benghazi on 11 September, including the US Ambassador to Libya, John Christopher Stevens. Deputy Permanent Representative Ibrahim Dabbashi (Libya) also addressed the Council and said that the attack, “carried out by extremists”, had been strongly condemned by Libya and in no way represented the Libyan people or the Islamic faith. Council members reaffirmed that “such acts are unjustifiable regardless of their motivations, whenever and

by whomsoever committed”, in a press statement released on 12 September (SC/10761).

Sierra Leone

On 12 September, the Council adopted resolution 2065 extending UNIPSIL's mandate until 31 March 2013. This followed a briefing (S/PV.6829) from Jens Anders Toyberg-Franzen (Denmark), the Executive Representative of the Secretary-General in Sierra Leone and head of UNIPSIL, on the Secretary-General's latest report (S/2012/679). Ambassador Guillermo Rishchynski (Canada), the chair of the Peacebuilding Commission's configuration for Sierra Leone, and Ambassador Shekou M. Touray (Sierra Leone) also addressed the Council. The resolution authorised UNIPSIL to assist the government and people of Sierra Leone through elections in November and to perform a number of post-election tasks, including “the preparation of a transition plan and exit strategy” following the elections.

Attacks Against Diplomatic Premises

On 14 September, the Council released a press statement (SC/10764), condemning

the violent attacks against embassies and consular premises of UN members in multiple locations on 13 and 14 September. The Council called on all authorities to protect diplomatic and consular property and personnel, in accordance with their international obligations. On 12 September, the Council issued a similar press statement (SC/10761), condemning the attacks on the US diplomatic posts in Benghazi and Cairo, and underlining the need to bring the perpetrators of these acts to justice.

Liberia

On 17 September, the Council adopted resolution 2066 extending the mandate of UNMIL for one year. The resolution authorised the reduction of the mission's military strength in three phases, with the first phase of that reduction—1,900 personnel—to happen between October 2012 and September 2013. The resolution was adopted after the Council received a briefing (S/PV.6830) from Karin Landgren (Sweden), the Secretary-General's Special Representative in Liberia and head of UNMIL, on the latest UNMIL report (S/2012/641).

Status Update since our September Forecast (con't)

Yemen

On 18 September, Special Adviser on Yemen Jamal Benomar briefed Council members in consultations on the recent developments in Yemen. Benomar's briefing focused on the ongoing challenges to the transition process as well as other political, humanitarian and security issues. Benomar also updated the Council on the national dialogue conference as well as security reforms. Earlier in the month, on 13 September, Council members issued a press statement condemning the 11 September terrorist attack in Sana'a (SC/10762). On 27 September, a high-level "Friends of Yemen" meeting took place on the margins of the General Assembly.

Guinea-Bissau

On 18 September, the Council held closed consultations on the latest Secretary-General's UNIOGBIS report (S/2012/554). There was no Council action after the consultations.

Children and Armed Conflict

On 19 September, the Council held an open debate (S.PV/6838 and resumption 1) on children and armed conflict. Ahead of the debate it adopted resolution 2068 by a vote of 11 in favour, none against and four abstentions (Azerbaijan, China, Pakistan and Russia). Through the resolution the Council expressed deep concern about perpetrators who persisted in committing violations against children, called on member states to bring them to justice through national judicial systems, and where applicable, international mechanisms, and reiterated its readiness to adopt targeted and graduated measures against them. The Council also called on the Working Group to consider, within the year, a broad range of options for increasing pressure on these persistent perpetrators and asked the Special Representative on Children and Armed Conflict to brief on the delisting process. The new Special Representative for Children and Armed Conflict, Leila Zerrougui,

peacekeeping head Hervé Ladsous, Executive Director of UNICEF Anthony Lake and the President of the International Centre for Transitional Justice, David Tolbert, briefed the Council during the debate.

Iran

On 20 September, Ambassador Néstor Osorio (Colombia) presented his regular quarterly report as chair of the 1737 Iran Sanctions Committee (S/PV.6839). Nearly all Council members in their statements referred to the recent report of the IAEA and the resolution of its Board of Governors adopted on 13 September. (The resolution expressed "serious concern regarding the continued enrichment and heavy water-related activities in Iran" and emphasised a "peaceful resolution of the international community's concerns".) Several members reiterated the importance of resolving the issues related to Iran's nuclear programme through dialogue and diplomacy. Some members, including those from the EU and the US, stressed that Iran needed to abide by relevant IAEA and Council resolutions and negotiate a settlement, but that talks would not continue indefinitely if progress were not made. Other members noted that Iran had both rights and responsibilities that it needed to live up to. Calls were also made by the P3 for the Committee to implement the recommendations in the Panel of Experts' recent report (S/2012/395), including adding named Iranian companies to the sanctions list. Concerns were raised about Iran's documented links to the Syrian government.

Mali/Sahel

On 21 September, Council members issued a press statement (SC/10772) taking note of the progress made in developing an integrated strategy for the Sahel, pursuant to resolution 2056. On Mali, the statement noted the request by the interim government for ECOWAS assistance and took note of that

organisation's ongoing strategic planning efforts. The statement also stressed the need for ECOWAS to coordinate with the interim government, regional and international organisations, other Sahel countries and bilateral partners to prepare detailed options regarding the deployment of a regional force in Mali. The press statement followed a briefing by Jeffrey Feltman (S/PV.6836), head of the Department of Political Affairs, to the Council on 17 September. Ambassador Youssoufou Bamba (Côte d'Ivoire) also made a statement on behalf of ECOWAS at the briefing.

Middle East

On 26 September, the Secretaries-General of the UN and the Arab League briefed the Council at a high-level meeting on the Middle East (S/PV.6841). Germany, as president of the Council in September, circulated a concept paper (S/2012/686) on 6 September focusing on ways to enhance cooperation on issues that are on the agendas of both the Council and the Arab League. After the meeting, the Council adopted a presidential statement (S/PRST/2012/20) that welcomed the intensifying cooperation between the UN and Arab League in the wake of regional transformations, reiterated the Council's commitment to a comprehensive Arab-Israeli peace, welcomed the appointment of the UN-Arab League Joint Special Representative for Syria and asked Secretary-General Ban Ki-moon to report on ways to strengthen cooperation between the two organisations.

DRC

On 27 September, a high-level meeting on the DRC took place on the margins of the General Assembly. On 18 September, Council members were briefed in consultations by head of peacekeeping Hervé Ladsous on his recent trip to the region. Ladsous updated the Council on regional efforts to address the crisis in North Kivu caused by the mutiny of the M23 rebel group. •

IN HINDSIGHT: The Secretary-General's Report on Eritrea

On 29 August, the Secretary-General reissued the report on Eritrea (S/2012/412) initially circulated to Council members on 8 June. In

resolution 2023 of 5 December 2011 (which condemned Eritrean violations of resolutions 1844, 1862 and 1907 and imposed new

measures to prevent Eritrea from using the diaspora tax or revenues from its mining sector to commit further violations), the Council

had requested the Secretary-General to report on Eritrea's compliance with the provisions of that as well as previous relevant resolutions.

While it is not uncommon for the Secretary-General to reissue reports for "technical reasons" (usually followed by an asterisk at the end of the document symbol), in this case the new version had been significantly revised, replacing the 8 June report altogether with no indication in the new document that it was reissued. The withdrawal and later revision of the original report seem to be surrounded by some controversy and further analysis may be of interest.

As reported in our July *Monthly Forecast*, soon after receiving the Secretary-General's report on Eritrea on 8 June, Council members were informed in a letter that it had been withdrawn. The official explanation was that it needed to be revised because of some omissions in the first version and that it would be reissued later in the month.

The withdrawal of the report seems to have caused some consternation among Council members. Most members seemed to agree that the report did not offer much added value (it was seen as providing a summary of already known facts), but they were not satisfied with the explanation offered for the withdrawal even after it was discussed with the Secretariat in informal consultations under other matters. The Secretariat apparently alluded to the fact that the report had not met Council members' expectations.

While the matter was not openly discussed, it seemed widely understood that these complaints came from the US and that the Secretariat had been under pressure to withdraw the 8 June report. In particular, it appears the US argued that any reference to the lack of progress in the implementation of the decision of the Eritrea-Ethiopia Boundary Commission (EEBC) would be outside the Secretary-General's reporting mandate. (It

should be noted that it was apparently the US that initially pushed for resolution 2023 to include the request for a report, whereas other members were less convinced about the usefulness of asking the Secretary-General to report on something that was essentially one of the main tasks of the Monitoring Group on Somalia and Eritrea.)

When comparing the two versions of the report (both can be found on our website at www.securitycouncilreport.org), one of the differences is indeed that the 29 August report contains no reference to the unresolved border dispute between Ethiopia and Eritrea as a relevant issue, whereas the 8 June report in paragraph 44 states that "The lack of progress in the implementation of the decision of the Eritrea-Ethiopia Boundary Commission continues to negatively affect the multifaceted and complex regional dynamics in the Horn of Africa and the normalization of relations between the two countries. A comprehensive approach should be adopted by states in the region, IGAD [the Intergovernmental Authority on Development], the African Union and the United Nations to address the broader aspects of the conflict in the region, including the long-standing border stalemate."

Apart from this, a main difference is that the 29 August report is considerably shorter than the first report (four pages instead of eight). The descriptive part is shorter and has been updated to reflect the conclusions of the report of the Monitoring Group on Somalia and Eritrea, which came out on 13 July (S/2012/545). Both versions emphasise that the Secretariat "does not have independent means of assessing Eritrea's compliance with the provisions of resolution 2023." The 29 August version also notes that "the report of the Somalia and Eritrea Monitoring Group provides authoritative information on Eritrea's record of compliance with the

provisions in resolution 2023."

Among Council members there was clearly some unease about the procedural aspects of the handling of the report, with some describing it as unprecedented. There was also concern about the future impact of perceptions that the Secretariat had given in to outside pressure. At this point, however, there does not seem to be any interest in pursuing these issues further. Also from a more substantive point of view, Council members seem to agree that the report does not merit further consideration. As is clear from its conclusions, the report adds little to the analysis already presented by the Monitoring Group, whose report was thoroughly discussed in July by the 751 and 1907 Sanctions Committee on Somalia and Eritrea.

The Monitoring Group reported that it found no evidence that Eritrea was directly supporting the terrorist group *Al-Shabaab* but that in all other respects Eritrea had failed to comply with Council resolutions and remained a destabilising force in the region. Following these discussions, the US proposed six additional sanctions listings for approval by the Sanctions Committee, including two Eritrean nationals: Tewolde Habte Negash and Abraham Goitom. (The same individuals were designated for sanctions by the US Department of Treasury on 5 July.) So far, Council members have agreed to designate only two of the six that were proposed. There is a hold by some members on the other four, including the two Eritreans, and it seems unlikely that the hold on the latter will be lifted any time soon. Also, it appears there are some differences in the Committee over the Monitoring Group's recommendation to send a letter to Eritrea to request information on Djiboutian prisoners of war, with Russia having refused to agree to a draft letter proposed by India in its capacity as Committee chair. •

Rule of Law

Expected Council Action

In October, the Council will hold an open debate on the role of the International Criminal Court (ICC) and its relation to the Council under the agenda item entitled "The promotion and strengthening of the rule of law

in the maintenance of international peace and security".

The open debate will be presided by the Foreign Minister of Guatemala, Harold Caballeros, and the Secretary-General may brief the Council.

No outcome is expected.

Background

In recent years, rule of law and justice issues have gained prominence in the Council, becoming part of mainstream Council

Rule of Law (con't)

discussion and action and at times influencing the design of its operations in the field.

The Council held its first thematic debate on the rule of law in 2003, followed by debates in 2004, 2006 and 2010. The last open debate was on 19 January 2012. In a presidential statement (S/PRST/2012/1) adopted after the debate, the Council reaffirmed its strong opposition to impunity for serious violations of international humanitarian law and human rights law.

On 17 July 1998, 120 states signed the Rome Statute, establishing the ICC as a permanent court to help fight impunity for the crimes of highest concern to the international community. The ICC was given jurisdiction over genocide, war crimes, crimes against humanity and aggression, while elaborating on the specifics of each category of offences. As of September 2012, 121 states have ratified the Rome Statute, which came into force on 1 July 2002, and are subject to its jurisdiction (China, Russia and the US have not ratified the Rome Statute).

The Rome Statute granted the Security Council unique powers to refer situations and place them under the jurisdiction of the Court, even in a case concerning a non-State Party. Article 13(b) of the Statute allows the ICC to exercise its jurisdiction regarding the aforementioned crimes when the Council, acting under Chapter VII, refers a situation to the Prosecutor of the Court. Article 16 allows the Council in exceptional circumstances to pass a resolution under Chapter VII to defer an ICC investigation or prosecution for a renewable period of 12 months.

The Council has referred two situations to the ICC. On 31 March 2005, the Council adopted resolution 1593, with four abstentions (Algeria, Brazil, China and the US), referring the situation in Darfur to the ICC and asking the Prosecutor to report to the Council every six months. On 26 February 2011, the Council unanimously adopted resolution 1970, referring the situation in Libya since 15 February to the ICC. Resolution 1970 also invites the Prosecutor to address the Council within two months—and every six months thereafter—on actions taken pursuant to the resolution.

Beyond the periodic reports by the Prosecutor, and a 16 June 2008 presidential statement on Darfur (S/PRST/2008/21) and a 15 June 2012 press statement (SC/10674) on

Libya, the Council has not actively cooperated with the ICC on the two referrals. In fact, the few instances of Council cooperation with the ICC are related to situations that were initiated by the situation countries themselves or by the Prosecutor, under Articles 13(a) and 14 and 13(c) and 15 of the Statute, respectively, and therefore independently of the Council. The most recent example was the 29 November 2011 decision by the 1572 Côte d'Ivoire Sanctions Committee to lift its travel ban on former President Laurent Gbagbo to enable his transfer to ICC custody in The Hague.

Although Kenya and Sudan, and the AU Assembly through a number of decisions starting with decision 221 (XII) of 3 February 2009, have asked the Council to invoke Article 16 of the Rome Statute to defer situations currently under ICC jurisdiction, the Council has not acted on these requests thus far.

Key Issues

An issue for the Council is to develop a systematic approach towards its relationship with the ICC especially in relation to the situations it has referred under Article 13(b).

A related issue is to better understand how the Article 13(b) and 16 prerogatives given to the Council under the Rome Statute can be best utilised in country-specific situations on the Council's agenda.

Options

The Council's options include:

- issuing a press statement (or, less likely, a formal outcome document) expressing the Council's support for the ICC's work and calling for future cooperation between the two in promoting the rule of law, peace and security;
- requesting that the Secretary-General address the Council's relationship with the ICC in his report on the rule of law due in January 2013; or
- taking no action at this time.

Options for Council members that are also States Parties to the Rome Statute include:

- establishing a "Rome Statute Caucus" to ensure that Council decisions and actions are not inimical to the Rome Statute, as were some of the provisions inserted into resolutions 1593 and 1970, and to

encourage future cooperation between the Council and the ICC on the two referrals;

- taking account of the fact that the 1591 Sudan Sanctions Committee bases its targeted designations on the information provided by "relevant sources", exploring opportunities for the Committee and its Panel of Experts to be briefed by the ICC Prosecutor; and
- exploring the possibilities for the Committee to impose targeted sanctions on those deemed by the ICC to be most responsible for the crimes committed in Darfur, thereby making the current list of ICC indictees and the consolidated list of the 1591 Committee less asymmetrical and enhancing the deterrent effect of ICC arrest warrants.

Council and Wider Dynamics

Guatemala sees the open debate as an opportunity to consider the relationship between the Council and the ICC holistically, beyond a country-specific situation. The objective of this approach would be, first, to explore how the ICC can assist the Council as a preventive tool to uphold the rule of law, accountability and peace and security and, second, to allow the Council to consider future improvements in the relationship, in light of the decade since the establishment of the ICC.

Though most observers view Council referrals as a generally positive development, they have also been a cause for criticism as the pertinent resolutions contain provisions that are contrary to the integrity of the Rome Statute.

In both referrals, the Council excluded nationals of non-State Parties to the ICC from the jurisdiction of the Court or a domestic court in another country, even for crimes committed within Darfur or Libya. The resolutions also recused the UN from any financial obligations regarding the referrals, notwithstanding Article 115(b) of the Rome Statute which provides for UN funding for Council referrals, subject to approval by the General Assembly.

Some view these elements as undermining the rule of law by infringing on the work of the ICC and undermining the perception of the Court as an independent legal body, free from political considerations. Comments to this effect were voiced, for example, by

UN DOCUMENTS ON RULE OF LAW Security Council Resolutions S/RES/1970 (26 February 2011) referred the situation in Libya to the ICC. S/RES/1593 (31 March 2005) referred the situation in Darfur to the ICC. **Presidential Statement** S/PRST/2012/1 (19 January 2012) was the latest statement on the rule of law. **OTHER USEFUL DOCUMENTS** Liechtenstein non-paper (15 July 2011) on the financing of Security Council referrals. **The Rome Statute of the ICC.**

Rule of Law (con't)

Professor Jose Alvarez of New York University during a 4 September meeting of the Council's Working Group on Conflict Prevention and Resolution in Africa. A non-paper

circulated to UN members on 15 July 2011 by Liechtenstein called for the UN to fund previous referrals and for the Council to avoid its practice of placing all resulting

financial obligations on the ICC in the future.

The open debate will provide Council members and other participants with an opportunity to address these concerns. •

Sudan and South Sudan

Expected Council Action

In October, the Council is likely to meet twice on Sudan and South Sudan, in accordance with resolution 2046, which decided that the parties should resume negotiations on a number of pending issues and requested the Secretary-General to inform the Council every two weeks about the status of compliance with the resolution.

The Council is also expected to discuss the Secretary-General's most recent report on the UN Interim Security Force in Abyei (UNISFA).

The mandate of UNISFA expires on 17 November.

Key Recent Developments

In September, the Council met twice in consultations to discuss implementation of resolution 2046. The first of these meetings was held on 6 September, two days after Sudan and South Sudan had reconvened in Addis Ababa for a new round of negotiations on unresolved issues between the two countries. Haile Menkerios, Special Envoy of the Secretary-General for Sudan and South Sudan, briefed the Council from Addis Ababa via videoconference, noting that limited progress was being made in the negotiations. Addressing the press at the stakeout after the meeting, Ambassador Peter Wittig (Germany), President of the Council in September, outlined some of the key issues that the parties have yet to resolve, including the establishment of a safe demilitarised border zone between Sudan and South Sudan, the creation of the Joint Border Verification and Monitoring Mechanism (JBVMM), the demarcation of their mutual border, the status of nationals in each other's country, and the final status of the disputed region of Abyei.

Menkerios and several Council members also discussed during the consultations

the need for Sudan and the Sudan People's Liberation Movement-North (SPLM-N) to implement the tripartite proposal of the UN, the AU and the Arab League to deliver humanitarian aid to civilians in South Kordofan and Blue Nile states in Sudan, given the grave humanitarian crisis in both states.

Menkerios again briefed the Council in consultations on 20 September. He noted that there had been no notable violent incidents on the Sudan-South Sudan border of late. However, he added that significant fighting had been taking place in South Kordofan and Blue Nile states between Sudan and the SPLM-N and that the violence was increasing the number of internally displaced persons (IDPs) in these two states and the number of refugees fleeing into South Sudan and Ethiopia.

On a more positive note, Menkerios said that Sudan and South Sudan were making some progress on certain issues. For example, he noted that commercial airline flights between Juba and Khartoum resumed on 18 September for the first time since January and pointed to the summit meeting between President Omar al-Bashir of Sudan and President Salva Kiir of South Sudan.

On 21 September, the Council issued a press statement (SC/10773) that:

- “welcomed the resumed negotiations between Sudan and South Sudan...and the progress those discussions have made in narrowing differences between the two sides”;
- “affirmed that it is the responsibility of the presidents of Sudan and South Sudan to exercise constructive leadership and demonstrate the political will...to ensure the successful conclusion of negotiations”;
- “reiterated the urgency of immediately establishing the Joint Border Verification and Monitoring Mission”;

• “strongly urged all parties to expedite all necessary steps to immediately commence humanitarian relief operations” in South Kordofan and Blue Nile states; and

• “called on the government of Sudan and the SPLM-N to...agree to and implement a cessation of hostilities and create a conducive environment for further progress on political and security issues.”

On 14 September, nearly 5,000 people demonstrated in Khartoum against an anti-Islamic video that was made in the US. The embassies of Germany and the UK were attacked during the protests before police used teargas to disperse the protesters. The video, which appeared on the Internet, had already stirred violent demonstrations in other Arab countries and had led several hundred people to protest in front of the US embassy in Khartoum on 12 September.

On 19 September, former Special Advisor of the UN Secretary-General for the Prevention of Genocide, Francis M. Deng, was appointed permanent representative of South Sudan to the UN.

Fighting was reported in South Kordofan and Blue Nile states in September. According to the Sudanese Red Crescent Society, 21 civilians were killed in clashes on 6 September between the Sudanese Armed Forces (SAF) and the SPLM-N near the town of Hajar Al-Dom. Reports have also indicated that fighting occurred on 9 September between SAF and the Justice and Equality Movement (JEM), a key rebel movement in Darfur, near the border between South Kordofan and Darfur. (The JEM is part of the Sudan Revolutionary Front, an alliance formed in late 2011 that includes the SPLM-N and several Darfur-based rebel movements seeking to overthrow the regime in Khartoum.) The SAF also said that it had recaptured Sarkam in south-western Blue Nile

UN DOCUMENTS ON SUDAN AND SOUTH SUDAN Security Council Resolution S/RES/2046 (2 May 2012) was on Sudan-South Sudan relations. Security Council Presidential Statement S/PRST/2012/19 (31 August 2012) expressed regret that the parties have not yet been able to resolve a number of critical issues. Security Council Press Statement SC/10773 (21 September 2012) affirmed that the presidents of Sudan and South Sudan had a responsibility to successfully conclude negotiations on remaining issues. Other PSC/PR/COMM. (CCCXXIX) (3 August 2012) was a communiqué of the AU Peace and Security Council on the status of negotiations between the parties. **USEFUL ADDITIONAL SOURCES** *Humanitarian Bulletin, Sudan*, Office for the Coordination of Humanitarian Affairs, Issue 35, 3-9 September 2012, and Issue 36, 10-16 September 2012.

Sudan and South Sudan (con't)

on 19 September and claimed that it killed many SPLM-N rebels in the process.

On 25 September, Melissa Fleming, a spokeswoman for the UN High Commissioner for Refugees (UNHCR), said that aerial bombardments and ground combat in South Kordofan were causing an increase in numbers of refugees crossing into South Sudan. She said those arriving in the Yida refugee camp, just across the border in South Sudan, are unwell, complaining of severe hunger. Fleming also expressed concern that refugees fleeing to Upper Nile state in South Sudan would have difficulty reaching refugee camps because of flooding on roads. According to UNHCR, over 172,000 refugees from Blue Nile and South Kordofan states now reside in South Sudan.

On 21 September, 123 humanitarian organisations sent an open letter to the Council in which they expressed their deep alarm at “the ongoing lack of full and unhindered access for international humanitarian aid agencies to all areas within the Sudanese states of South Kordofan and Blue Nile, as well as Darfur.” The letter further argued that Sudan has “exhibited no indication that it intends to allow the full and unhindered delivery of aid throughout South Kordofan and Blue Nile.” It also urged the Council “to move swiftly to impose consequences” on Sudan and “to consider alternative means for delivering aid” if Sudan “continues to ignore its obligations to allow humanitarian access” to these two regions.

Al-Bashir and Kiir convened in Addis Ababa on 23 September for a presidential summit to resolve the issues separating the two countries. On 27 September, Sudan and South Sudan signed agreements to establish a buffer zone along the border and on economic matters (including those related to oil) and nationality issues. While details of the agreements remained limited at press time, the spokesperson for the Secretary-General released a statement, also on 27 September, which said that the agreements “provide vital elements in building a strong foundation for a stable and prosperous future between the two countries.” (In its 3 August communiqué, the AU Peace and Security Council (PSC) called on Sudan and South Sudan to finalise their negotiations by 22 September, as the parties had not been able to reach agreement on the issues separating them by the 3 August date the AU PSC had originally set, a deadline endorsed by the Council in resolution 2046.)

Human Rights-Related Developments

In her statement at the opening of the September session of the Human Rights Council, the High Commissioner for Human Rights, Navi Pillay, warned of the need to be alert to the impact on civilians of the conflict between the Sudanese Armed Forces and the Sudan People's Liberation Army-North in Southern Kordofan and Blue Nile states, where indiscriminate aerial bombings and scorched earth policies have caused death and massive displacement. Pillay called on both parties to bring an immediate end to the violence and solve their differences through dialogue. She welcomed the invitation she had received from Sudan to visit that country.

Key Issues

On Sudan-South Sudan matters, key issues include:

- ensuring that the 27 September agreements are implemented and building on the progress reflected by these agreements to compel Sudan and South Sudan to resolve the remaining issues separating them;
- compelling Sudan and the SPLM-N to agree to a cessation of hostilities and to negotiate directly with one another on political and security matters; and
- addressing the humanitarian crisis in South Kordofan and Blue Nile states.

On UNISFA in particular, important issues include:

- the need to implement the 27 September agreement by establishing a buffer zone along the Sudan-South Sudan border, which would enable UNISFA to fulfil its mandated role to participate in the JBVMM; and
- the need to ensure that relations between the Ngok-Dinka and the Misseriya ethnic groups remain peaceful, given that clashes between these two groups could serve as a flashpoint for broader Sudan-South Sudan tensions.

Options

Options for the Council include:

- awaiting the report of the AU High-Level Implementation Panel (AUHIP) on Sudan and South Sudan (and the subsequent communiqué of the AU PSC) on the status of negotiations, expected after completion of the current round of talks in Addis Ababa, to guide its decision-making approach, as it is anticipated that the report (and communiqué) will include proposals to resolve any outstanding issues between the parties;

- adopting a statement that encourages the recent progress in the negotiations but calls on the parties to implement the 27 September agreements expeditiously and to resolve the remaining issues between them; and
- holding an “Arria formula” meeting with NGOs that have knowledge of the humanitarian situation in South Kordofan and Blue Nile states and the influx of refugees into South Sudan that has been sparked by the violence in these two states.

Council Dynamics

Council members have been encouraged that Sudan and South Sudan are engaged in intensive negotiations. While there had been some disappointment that more had not been achieved sooner in the talks, members are likely to be encouraged by the 27 September agreements.

In its presidential statement of 31 August (S/PRST/2012/19), the Council reiterated “its intention to take appropriate additional measures under Article 41 of the Charter as necessary” in case Sudan, South Sudan and the SPLM-N are unable to reach agreement on the issues dividing them. However, at least in the near term, it seems unlikely that several members will advocate for the implementation of sanctions so long as Sudan and South Sudan make progress in implementing their agreements and in resolving other issues dividing them.

There may be considerable pessimism among some members about the lack of direct negotiations between Sudan and the SPLM-N. Along these lines, there is widespread concern on the Council with the humanitarian crisis in South Kordofan and Blue Nile states. The US in particular has been highly critical of Sudan for delays in the implementation of the memorandum of understanding that it agreed to for the delivery of humanitarian assistance to civilians in both states.

Several Council members appear to be looking forward to analysing the AUHIP's report (and the related AU PSC communiqué) on the outcome of the negotiations and the Secretary-General's report on the same issue. (In its 31 August presidential statement, the Council requested that the Secretary-General “report on the status of negotiations including detailed proposals on all outstanding issues.”)

The US is the lead country on Sudan-South Sudan issues. •

Sudan/Darfur

Expected Council Action

In October, the Council is likely to hold consultations to discuss the Secretary-General's quarterly report (S/2012/548) on the AU/UN Hybrid Operation in Darfur (UNAMID). At press time no outcome was anticipated.

UNAMID's mandate expires on 31 July 2013.

Key Recent Developments

The Council was last briefed on the situation in Darfur on 24 July (S/PV.6813) by then Joint AU-UN Special Representative for Darfur, Ibrahim Gambari. (Gambari no longer holds this post; at press time, no successor had yet been appointed.) Gambari told Council members that implementation of several elements of the Doha Document for Peace in Darfur (DDPD) was behind schedule and that a new implementation timeline had been created.

Gambari noted, nevertheless, progress in the dissemination of the Doha Document with 140 dissemination workshops having taken place throughout Darfur with more than 25,000 participants. He added that an All Darfur Stakeholders Conference was held from 10-12 July in El Fasher, the capital of North Darfur state, to allow a range of people in the region to "take stock [of the peace process] and recommend the way forward." According to Gambari, while nearly all of those who spoke were disparaging of the government of Sudan, he was unaware of "instances of reprisal or intimidation of participants".

While Gambari did not elaborate on this point, the Secretary-General's report indicated that Khartoum had deferred the transferral of the first instalment of funds (approximately \$200 million) to the Darfur Reconstruction and Development Fund, which supports reconstruction activities in Darfur.

Gambari enumerated several instances of recent violence in Darfur. He noted skirmishes between Sudanese Armed Forces and armed groups in the region during late June and early July. He spoke as well about inter-ethnic violence. He said that fighting on 16-18 July between Rezeigat and Misseriya ethnic groups in Abu Jabra, East Darfur, over grazing rights and land had led to roughly 60 deaths.

On 31 July, the Council adopted resolution 2063 renewing the mandate of UNAMID for an additional year. In keeping with the Secretary-General's review in early 2012, the Council reconfigured UNAMID with a maximum authorised troop strength of 16,200 military personnel (3,355 fewer than previously), 2,310 individual police (1,462 fewer than before), and 17 formed police units (two units fewer than before, with each unit consisting of up to 140 police). According to the resolution, the reconfigured mission will "focus on the areas of Darfur with the highest security threats."

Also on 31 July, security personnel shot and killed eight people (five of whom were under the age of 17) and wounded more than 50 others during a protest in Nyala, the capital of South Darfur state, over increased fuel prices, part of the austerity measures Sudan has instituted to counteract the difficult economic conditions facing the country, largely as a result of declining oil revenue after the independence of South Sudan last year. It also appears that the security forces used tear gas to disrupt the protest.

In Geneva on 3 August Ravina Shamdasani, a spokeswoman for the Office of the High Commissioner for Human Rights (OHCHR), urged Sudan to "promptly launch an independent and credible investigation into the violence and the apparent excessive use of force by security forces." Additionally OHCHR has called on Khartoum to release those who have been arrested while protesting against price increases. (Demonstrations erupted in several localities across Sudan after the government adopted austerity measures in June.)

The government has formed a committee of five officials to investigate the Nyala violence. The committee has been tasked with investigating why live ammunition was used by the security forces and prosecuting the perpetrators of the violence. At press time, it was unclear whether the committee had made any progress in its work.

A UNAMID peacekeeper from Bangladesh was fatally shot by an unidentified individual on 12 August at the Otash camp for internally displaced persons (IDPs) in Nyala. He was the 38th UNAMID peacekeeper to

be killed since the mission was launched on 31 December 2007. Another peacekeeper was also injured in the assault. The Council condemned the attack in a press statement (SC/10744) released on 15 August.

Several violent incidents occurred in Kutum and Al-Waha localities in North Darfur state beginning in early August. Abdelrahman Mohammed Eissa, the commissioner of Al-Waha, was killed during a carjacking on 1 August. In apparent retaliation for the assassination, members of the Jalul ethnic group killed three people, including two internally displaced persons and a police officer. In the ensuing days, reports indicated that Arab militias looted the Kassab camp for IDPs near Kutum. On 4 and 5 August, the militias clashed with Sudanese Armed Forces in the area, forcing most of the inhabitants in Kassab camp to flee to avoid the fighting. On 4 September, a failed assassination attempt on the Kutum commissioner wounded six people in his convoy.

On 6 September, in response to these violent occurrences, a military official was appointed commissioner of both Kutum and Al-Waha, while a curfew was declared from 18:00 to 07:00 in Kutum.

Human-Rights Related Developments

The UN Independent Expert on human rights in the Sudan, Mashood A. Baderin, submitted his latest report to the Human Rights Council on 27 August (A/HRC/21/62). Among other things, the report stressed the importance of promoting the improvement of the human rights situation in Darfur, noting that human rights violations had fueled the international community's attention to Darfur to begin with. The report also highlighted the need for all stakeholders to commit to the implementation of the Doha Document, especially the chapters on human rights and fundamental freedoms, and justice and reconciliation.

Key Issues

A key ongoing issue is that several of the major Darfur rebel groups—including the Justice and Equality Movement (JEM), the Sudan Liberation Movement-Minni Minawi and the Sudan Liberation Movement-Abdul Wahid—have not acceded to the Doha Document and the related peace process.

Related to this issue is that these rebel groups have maintained an alliance since

UN DOCUMENTS ON SUDAN/DARFUR **Security Council Resolutions** S/RES/2063 (31 July 2012) extended UNAMID's mandate until 31 July 2013. S/RES/1769 (31 July 2007) established UNAMID. S/RES/1593 (31 March 2005) referred the situation in Darfur to the ICC. **Secretary-General's Reports** S/2012/548 (16 July 2012) was the most recent quarterly report of the Secretary-General on UNAMID. S/2012/166 (19 March 2012) contained the Framework for AU and UN facilitation of the Darfur peace process. S/2011/252 (15 April 2011) was on implementation of the Darfur Political Process. **Security Council Meeting Records** S/PV.6819 (31 July 2012) included statements by Azerbaijan, Guatemala, Pakistan and Sudan on UNAMID renewal. S/PV.6813 (24 July 2012) was the most recent briefing on UNAMID. **Other** A/HRC/21/62 (27 August 2012) was the most recent report of the Independent Expert on the situation of human rights in Sudan to the HRC.

Sudan/Darfur (con't)

late 2011 with the Sudan People's Liberation Movement-North (SPLM-N), the rebel group fighting Khartoum in Blue Nile and South Kordofan states. The alliance, called the Sudan Revolutionary Front (SRF), has vowed to overthrow the regime in place in Khartoum.

Another key issue is that the government of Sudan, which is experiencing an economic crisis, has not met funding commitments to Darfur made in the Doha Document. While Khartoum did transfer \$25 million to the Darfur Regional Authority (DRA), the body responsible for executing provisions of the Doha Document, for start-up activities in May, it is behind schedule in providing other significant funds.

A further issue is how to address the recent wave of inter-ethnic violence in Darfur, as exemplified by incidents in Abu Jabra in East Darfur state, and Kutum and Al-Waha in North Darfur state.

Options

The Council may decide to discuss the Secretary-General's report in consultations without taking action at the current time. (Customarily

consultations on UNAMID are preceded by an open briefing, although it is unclear whether this will be the case in October.)

Another option would be to request a briefing from the UN Resident and Humanitarian Coordinator in Sudan and the acting head of UNAMID on their plans to collaborate in supporting the Doha Document. (In resolution 2063, the Council requested "UNAMID and the United Nations country team to develop an Integrated Strategic Framework for United Nations system-wide support to the DDPD based on a clear division of labour." The Council further requested that the Secretary-General present this Framework to the Council in his October report.)

An additional option would be for the Council to hold an "Arria formula" meeting with experts on the situation in Darfur to explore the particular positions of the various Darfur factions that have not signed the DDPD. (Such a session could provide Council members with additional information to help craft strategies to promote a more inclusive peace process in Darfur.)

Council Dynamics

While Council members support the Doha Document, concerns remain that key rebel movements have not acceded to the peace process. Some members are also worried about Sudan delaying its funding for the DRA, a point raised by Morocco and the UK during the Council briefing on Sudan by the Prosecutor of the International Criminal Court on 5 June.

The negotiations on resolution 2063 in July also reflected tensions among Council members. Some members were disappointed that the resolution mentioned the Lord's Resistance Army (LRA), believing that reliable information about LRA involvement in Darfur did not exist. Some also felt that the threat posed by the SRF should have been mentioned in the resolution. Azerbaijan, which abstained on the resolution, expressed its "regret that the discussions on the draft resolution were not sufficiently open, inclusive and transparent".

The UK is the lead country on Darfur. •

Somalia

Expected Council Action

In October, the Council is scheduled to renew the authorisation of the AU Mission in Somalia (AMISOM) before it expires on 31 October. The AU is due to submit another 60-day report on AMISOM as requested by resolution 2036. A debate is expected ahead of the renewal with briefings by the Secretary-General's Special Representative Augustine Mahiga and AU's Commissioner for Peace and Security Ramtane Lamamra.

Also in preparation for the renewal, the Council's informal expert group on the protection of civilians is scheduled to receive a briefing by the Office for the Coordination of Humanitarian Affairs (OCHA) on current key protection challenges in Somalia.

Key Recent Developments

On 10 September, Hassan Sheikh Mohamud was elected President of Somalia by the newly appointed Parliament, beating incumbent President Sheikh Sharif Sheikh Ahmed by a vote of 190 to 79 in a second round of balloting. The presidential election was the final step required for the completion of the transitional period in Somalia, which under the most recent political agreements was supposed to end on 20 August.

Mohamud is considered a political moderate and appears to enjoy considerable popular support. A member of the Hawiye clan, he stayed in Somalia during the years of conflict, working as a consultant with the UN and NGOs and serving as dean of Simad University for a decade. The international community welcomed his election while also

stressing that much work lies ahead. The Secretary-General congratulated Mohamud and encouraged him "to move expeditiously, to appoint an inclusive, accountable government that can begin the work of peacebuilding in the country."

On 12 September, Mohamud was targeted by a suicide bomber while holding a press conference at a hotel in Mogadishu. He survived, but one AMISOM soldier was killed and three others wounded. The Islamist rebel group *Al Shabaab* claimed responsibility for the attack.

Following the presidential inauguration on 16 September, the Council on 18 September adopted resolution 2067 to welcome the end of the transition, noting that the election of a new Speaker of Parliament and President represented "the completion of the transition in

UN DOCUMENTS ON SOMALIA **Security Council Resolutions** [S/RES/2067](#) (18 September 2012) was on the end of the transitional period in Somalia, laying out Council expectations for the next phase and requesting a report from the Secretary-General by 31 December on the future UN presence. [S/RES/2036](#) (22 February 2012) extended the Council's authorisation of AMISOM until 31 October, authorised an increase in its troop strength as well as a further expansion of its UN support package. [S/RES/1738](#) (23 December 2006) condemned intentional attacks against journalists, media professionals and associated personnel. **Secretary-General's Report** [S/2012/643](#) (22 August 2012) was the latest Secretary-General's report on Somalia. **Security Council Press Statement** [SC/10774](#) (21 September 2012) was on the 20 September suicide bombings in Mogadishu. **Security Council Letters** [S/2012/666](#) (23 August 2012) contained the most recent 60-day AU report on AMISOM requested by resolution 2036. [S/2012/544](#) (11 July 2012) contained the final report on Somalia of the Monitoring Group on Somalia and Eritrea. **OTHER RELEVANT FACTS** **Special Representative of the Secretary-General for Somalia** Augustine P. Mahiga (Tanzania) **AMISOM** *Maximum Authorised Strength*: 17,731 troops, plus maritime and air components *Strength as of August 2012*: 17,194 troops *Duration*: February 2007 to present. Council authorisation expires on 31 October 2012; AU mandate expires on 16 January 2013.

Somalia (con't)

Somalia and an important milestone in Somalia's path to more stable and accountable governance." The resolution lays out the Council's expectations for the next phase in Somalia and asks the Secretary-General to present options and recommendations to the Council on the future UN presence by 31 December.

On 20 September, there was another suicide bombing attack in Mogadishu for which *Al Shabaab* claimed responsibility. According to media reports, suicide bombers set off two explosions at a restaurant frequented by politicians and the media, killing more than 15 people, including three journalists. Council members condemned the attack in a 21 September press statement (SC/10774). In a 23 September statement, UNESCO expressed concern about the "sudden upsurge of violence targeting the media in Somalia," including the 20 September attack, and urged the authorities to bring the perpetrators to justice. According to UNESCO, 13 journalists have been killed in Somalia this year.

A member of parliament, Mustaf Haji Mohamed, was killed on 22 September by unidentified gunmen in Mogadishu with *Al Shabaab* claiming responsibility and threatening to "kill one-by-one" all of the parliamentarians.

Elsewhere, *Al Shabaab* suffered a series of setbacks as AMISOM and Somali security forces continued their offensive against the strategic port city of Kismayo. On 28 September, AMISOM confirmed that its troops had entered the city. There seemed to be widespread concern, however, about the impact on civilians of the escalation in fighting, in particular with regard to displacement. Following a meeting with Kenyan officials on 19 September, the humanitarian coordinator for Somalia, Mark Bowden, received assurances that Kenyan forces (which are part of AMISOM) would do everything possible to minimise the impact on civilians of the ongoing military operation in Somalia. AMISOM also issued a statement reiterating its commitment to the protection of civilians.

On 26 September, the Secretary-General convened a "mini summit" on Somalia on the margins of the General Assembly with Mohamud participating by video link from Mogadishu. He outlined as his priorities: stabilisation; the rule of law and good governance; economic recovery; peacebuilding and reconciliation; public service delivery; improved

relations between Somalia and the rest of the world; and the unity and integrity of Somalia. In a communiqué, participants welcomed these priorities and expressed their commitment to a new "Somali-owned and led partnership". They also reaffirmed their commitment to supporting the rebuilding of Somalia.

Human Rights-Related Developments

The UN Independent Expert on human rights in Somalia, Shamsul Bari, submitted a report to the September session of the Human Rights Council, noting that the country was poised to turn a new page, with positive opportunities for governance and human rights. A road map should be developed to show how the government aimed to improve the human rights situation, with a timeline for each activity, the report said. The focus must move beyond civil and political rights to include economic, social and cultural rights. While the right to due process must be emphasised and demonstrated to be constitutionally guaranteed, "an ordinary Somali citizen faced with hunger, thirst and the deprivation of basic requirements of life would perhaps be more keen to hear about the enjoyment of the right to food, water and sanitation, health, education and the like," Bari noted.

Key Issues

A key issue for the Council in October will be the AMISOM authorisation renewal and extension of the UN-funded support package and whether the AU will present any requests for the Council's consideration at this time.

A related pressing issue is the impact on civilians of the ongoing military operations.

Another key issue is the need for progress on the most immediate objectives for the post-transition phase in Somalia as laid out in resolution 2067, such as the appointment of a representative government, implementation of the postponed elements of the road map, development by the government of a programme to define post-transition priorities, adoption of counter-piracy laws, establishment of an Exclusive Economic Zone off the coast of Somalia and establishment of a joint financial management board to oversee Somali public finances. Allegations of corruption and misuse of donor funds seem to be of particular concern to Council members. The 27 June report of the Monitoring Group on Somalia and Eritrea (S/2012/544) documented "pervasive corruption within the transitional federal institutions."

With regard to sanctions, a key issue is whether additional listings should be considered in the 751 and 1907 Sanctions

Committee. The US proposed six new sanctions listings in July, but so far the Committee has agreed on only two of these.

A further issue is whether the Council, to confirm its commitment to the protection of journalists as expressed in resolution 1738, should take any action in response to the high level of violence against journalists in Somalia.

Options

Options include:

- extending the AMISOM authorisations for three months without any changes; or
- adding a provision authorising UN-funded reimbursement for a limited number of maritime assets for AMISOM.

In either case:

- requesting the AMISOM Force Commander to speak at the debate (by video link);
- organising an "Arria formula" meeting with Somali civil society representatives;
- strengthening provisions on the protection of civilians in the upcoming resolution based on input from OCHA's briefing on protection issues;
- condemning violence against journalists while recalling resolution 1738 and urging Somali authorities to ensure that the perpetrators are held accountable;
- recalling the Council's willingness to take action against spoilers; and
- continuing to consider proposals for targeted listings in the Sanctions Committee.

Council Dynamics

Among Council members, as in the wider international community, there seems to be a general sense of relief that the transitional period has finally been brought to an end. The mood seems to be one of "cautious optimism" as members are waiting to see how the new government will tackle the many tasks ahead. The defeat of the incumbent president in the presidential election is seen as an encouraging sign that the new parliament is less influenced by money and more independent from clan politics than the previous one.

At press time, Council members had not yet begun to consider the AMISOM authorisation renewal. The AU had not indicated whether it would present any specific requests to the Council, but the UN has apparently expressed a strong preference for any review of AMISOM to be conducted in

Somalia (con't)

tandem with the announced strategic review of the UN presence. This would also help to ensure that the military strategy is driven by the political strategy and not the other way around, which was a concern among Council members in the past.

One contentious issue related to AMISOM that may come up again, however,

is the question of UN funding of maritime assets. During the negotiations of resolution 2036 some Council members supported an additional expansion of the support package related to reimbursement of contingent-owned equipment to also cover some maritime assets, but this did not make it into the final text. India, South Africa and the US

expressed disappointment about this outcome in their explanations of vote after the adoption of the resolution and may want to revisit the issue in October.

The UK is the lead country on Somalia in the Council, while India chairs the Sanctions Committee and Russia has taken the lead on legal issues related to piracy. •

Israel/Palestine

Expected Council Action

In October, the Council will hold its quarterly open debate on the Middle East after a briefing by Under-Secretary-General for Political Affairs Jeffrey Feltman. The discussion will likely focus on the economic crisis facing the Palestinian Authority, the security situation in the Occupied Palestinian Territories and in the region and obstacles to reviving the stalled Israel/Palestine peace process.

Key Recent Developments

During the general debate of the General Assembly several states addressed the continuing conflict between Israel and Palestine. On 25 September, US President Barack Obama only made a general reference to a just peace between the parties. On 27 September, Israeli Prime Minister Benjamin Netanyahu focused his comments on Iran with few specific references to the peace process. On the same day, Palestinian President Mahmoud Abbas indicated that Palestine intended to seek upgraded status at the UN—from “permanent observer” to “non-member observer state”—via a resolution in the General Assembly. On 5 September, the Arab League endorsed this effort as an alternative approach to last year’s bid by Palestine to achieve full UN membership. That application remains “on the shelf” in the Security Council following the Admissions Committee’s report last November that it was unable to reach a unanimous recommendation.

These speeches indicate there is very little momentum this year to break the

impasse as compared to September 2011 when the Quartet (comprising the UN, the EU, Russia and the US) issued a new timeline for the Middle East peace process that called for each side to submit a comprehensive proposal on borders and security within three months followed by direct negotiations leading to a solution by the end of 2012. Though the Palestinian Authority submitted its proposals soon after, the Israeli government did not meet the initial three month deadline, and no direct negotiations have taken place.

Briefing the Council on 17 September, Special Coordinator for the Middle East Peace Process Robert Serry, said that the parties have not yet engaged in meaningful dialogue and the viability of the two-state solution was at risk. Otherwise, Serry’s comments largely reiterated similar points made by Feltman during the August monthly briefing. At that briefing, Feltman said the two-state solution was the best and most realistic option.

Since 4 September, thousands of Palestinians have joined demonstrations in cities throughout the West Bank, expressing discontent over high prices and economic hardship more generally. Related clashes left dozens injured. On 10 September, the Palestinian Authority announced an emergency economic package, including a reduction of the value added tax, a key issue for the protestors.

On 9 September, the Palestinian Authority submitted a request to Israel to consider revising the Paris Protocol on Economic

Relations of 1994, the economic appendix to the Oslo Peace Accords which established a customs union between Israel and Palestine regulating their economic relationship. According to news reports, Abbas raised the possibility of unilaterally withdrawing from the Oslo Accords at a meeting of Palestinian leaders on 15-16 September.

On 22 August, Israeli Foreign Minister Avigdor Lieberman transmitted a letter to the Middle East Quartet calling for new elections in the Palestinian Authority to replace Abbas. The same day, Netanyahu disavowed the letter, saying that it did not reflect his own position or that of the government. Abbas responded on 26 August, saying that the letter was part of a broader effort on the part of Lieberman and the Israeli government to “destroy any chance for peace”.

On 24 September, Israeli Defence Minister Ehud Barak proposed a unilateral withdrawal from the West Bank, leaving intact major settlement blocs, if the peace process fails. An aide to Abbas said any such withdrawal would make the establishment of a Palestinian state impossible.

At the end of August, the Security Council responded to an invitation from the Palestinian Observer Mission, saying that the Council would not be able to undertake a visiting mission to the Occupied Palestinian Territories.

Human Rights-Related Developments

In his address to the Human Rights Council on 10 September, the Secretary-General said that he remained concerned about the unfulfilled human

UN DOCUMENTS ON ISRAEL/PALESTINE [Security Council Resolutions S/RES/1860](#) (8 January 2009) called for an immediate ceasefire leading to the full withdrawal of Israeli forces from Gaza and the sustained reopening of Gaza’s crossing points. [S/RES/1850](#) (16 December 2008) supported the Annapolis peace process and its commitment to the irreversibility of bilateral negotiations. [S/RES/1515](#) (19 November 2003) stated the necessity for a two-state solution and unanimously endorsed the Quartet’s Road Map. [Security Council Meeting Records S/PV.6835](#) (17 September 2012) was the September regular monthly briefing on the Middle East by Robert Serry. [S/PV.6824](#) (22 August 2012) was the August regular monthly briefing on the Middle East by Jeffrey Feltman. [Security Council Report S/2011/705](#) (11 November 2011) was the Security Council’s Admissions Committee report on Palestine’s application for UN membership. [Human Rights Council A/HRC/21/33](#) (21 September 2012) was the fourth report on the implementation of the recommendations of Fact-Finding Mission on the Gaza Conflict.

Israel/Palestine (con't)

rights of the Palestinian people, in particular the right to self-determination. The objective of a negotiated agreement ending the 1967 occupation and bringing about an independent, sovereign, democratic and viable Palestinian state living in peace and security with Israel must be supported by developments on the ground, he said, including respect for human rights and international law, together with concerted efforts to build the foundations of a future Palestinian state. The Secretary-General also observed that the situation in Gaza remained tense and troubling, with indiscriminate rocket fire from Gaza and Israeli airstrikes and incursions. Serious human rights, humanitarian and socioeconomic problems only added to the immense human suffering. He urged Israel to lift its harsh restrictions in order to ease the plight of civilians and bring an end to the blockade of Gaza. On 21 September, the Secretary-General submitted his fourth report on the implementation of the recommendations of the Human Rights Council's Fact-Finding Mission on the Gaza Conflict that was critical of both Israel and the Palestinian Authority (A/HRC/21/33).

Key Issues

The key issue remains the lack of progress in the Israel/Palestine peace process and whether or not the Security Council can positively impact that process.

The humanitarian and security situation

in Gaza also remains an issue of concern to Council members.

Underlying Problems

In July, the World Bank reported that economic growth in the Occupied Palestinian Territories was unsustainable given its heavy reliance on foreign aid. As recent demonstrations have shown, it has also brought to the surface Palestinian resentment that the Paris Protocol has been implemented selectively in favour of Israel, insofar as provisions that would have allowed the Palestinian Authority to enter into free trade agreements with other states and that mandated access to Israeli markets have not come about.

Other obstacles to the peace process remain unchanged: the Palestinian Authority wants to see an end to settlement activity as a precondition for direct talks, while Israel wants talks without pre-conditions. Israel also considers Hamas a terrorist organisation, and as rocket attacks directed at Israeli communities continue, Israel is unlikely to lift its blockade of Gaza in the near term.

Options

Council options in October appear extremely limited given the lack of progress on the political track. It is most likely that the open debate will be a forum for reiterating already known positions on the Israel/Palestine conflict.

Council Dynamics

Negotiations regarding the Council's response to the invitation from the Palestinian Observer Mission to visit the Occupied Palestinian Territories were protracted over several months and indicate that major divisions remain within the Council with regard to the Israel/Palestine peace process. While Council members associated with the Non-Aligned Movement had been in favour of a response that went into detail on the dynamics of the issue, other states stridently opposed such a response.

The upcoming US presidential election has had a paralysing effect as most actors are unwilling to take any action on the Israel/Palestine issue until the outcome of the election is known. •

Lebanon

Expected Council Action

In late October, Special Envoy Terje Rød-Larsen will brief Council members in consultations on the Secretary-General's report, due on 19 October, on the implementation of resolution 1559. This resolution, adopted in 2004, called for the disarmament of all Lebanese and non-Lebanese militias and urged the extension of government control over all Lebanese territory.

The Council will also likely discuss the ongoing crisis in Syria and its impact on Lebanon, in particular the consequences of that crisis on border issues and the disarmament mandated by resolution 1559.

At press time no formal outcome was expected.

Key Recent Developments

On 30 August, the Council adopted resolution

2064, extending the mandate of the UN Interim Force in Lebanon (UNIFIL) until 31 August 2013. The new resolution differed little from the previous UNIFIL renewal in resolution 2004. However, resolution 2064 did take into account the recently completed strategic review of the mission and called for an acceleration of the strategic dialogue between UNIFIL and the Lebanese Armed Forces (LAF) consistent with the review's recommendations. UNIFIL Force Commander, Maj. Gen. Paolo Serra, met with senior government officials on 19 September to discuss cooperation between the mission and the LAF following the recent redeployment of LAF units north of the Litani River, and therefore beyond UNIFIL's area of operations, in order to address security along the border with Syria.

In a memorandum submitted to President Michel Sleiman on 4 September, the

14 March coalition (led by former Prime Minister Saad Hariri, son of Rafiq Hariri—a former Prime Minister assassinated in 2005) called for the deployment of UNIFIL peacekeepers along the border with Syria and for the expulsion of the Syrian ambassador to Lebanon. In response, Prime Minister Najib Mikati told reporters that the time was not right to address the issues raised.

Developments in Syria have continued to exacerbate instability in Lebanon. Mikati said in his address to the General Assembly on 27 September that the security consequences of the Syrian crisis threaten peace and stability in the Middle East, specifically in Lebanon.

According to Robert Serry, the Special Coordinator for the Middle East Peace Process, between 22 August and 17 September there were seven confirmed incidents of cross-border shelling from Syria into Lebanon.

UN DOCUMENTS ON LEBANON Security Council Resolutions S/RES/2064 (30 August 2012) extended the mandate of UNIFIL for 12 months. S/RES/1757 (30 May 2007) established the Special Tribunal for Lebanon. S/RES/1559 (2 September 2004) urged the disarmament of all militias and the extension of the Lebanese government's control over all Lebanese territory. **Presidential Statement** S/PRST/2007/17 (11 June 2007) was the most recent Council pronouncement on a report on the implementation of resolution 1559. **Security Council Letters** S/2012/632 (14 August 2012) recommended extending the mandate of UNIFIL for 12 months. S/2012/151 (12 March 2012) contained the strategic review of UNIFIL requested in resolution 2004.

Lebanon (con't)

News outlets reported on 17 September that Syrian jets had fired four missiles into Lebanese territory near the border town of Aarsal.

Kidnappings have also plagued the border between Lebanon and Syria. On 13 August more than 20 Syrians and a Turkish businessman were kidnapped by members of the Meqdad clan in Lebanon in retaliation for the kidnapping of a member of the same clan in Damascus by Syrian rebels. Though most of the hostages were promptly released, the Turkish businessman was held until 11 September, and the LAF freed the final four Syrians in a raid that evening. Three individuals were arrested and charged with the kidnappings. Earlier, Syrian rebels released Hussain Omar in late August and Awad Ibrahim in late September, both are Lebanese nationals who were part of a group of 11 Shi'ite pilgrims kidnapped in Syria in May. At press time, the other nine pilgrims had not been released.

Between 20 and 26 August, clashes between Sunnis and Alawites in the northern city of Tripoli left at least 16 people dead and more than 100 wounded. Following arrests by the LAF on 26 August, the situation had reportedly calmed though tensions remained.

The UN High Commissioner for Refugees (UNHCR) has reported that there are more than 79,000 Syrian refugees in Lebanon. Meeting with Mikati on 4 September, Derek Plumbly, the UN Special Coordinator for Lebanon, noted that the swelling numbers of refugees are an increasingly heavy burden on the country. In late August, a spokesman for UNHCR noted that the deteriorating security situation in Lebanon—specifically the fighting in Tripoli—was also impeding efforts to provide aid to the refugees.

Lebanon's National Dialogue Committee

met on 16 August but postponed discussing the national defence strategy until 20 September. On that day, the National Dialogue met again for two hours in a session described by participants as "positive." According to a statement released following the meeting, it was agreed "to consider the vision proposed by the president as a starting point for discussion in a bid to agree on a national defence strategy that includes the issue of Hezbollah's arms". The next meeting of the National Dialogue is scheduled for 12 November.

On 13 September, the US imposed sanctions on Mustafa Amine Badreddine, one of four individuals charged at the Special Tribunal for Lebanon in the assassination of former Prime Minister Hariri, for allegedly providing support to Hezbollah (which the US considers a terrorist organisation). On 20 September, Badreddine's defense counsel issued a press release asserting that the sanctions constituted political interference. Trial activity has been tentatively scheduled to start on 25 March 2013.

Key Issues

The key issues in Lebanon stemming from resolution 1559 concern the disposal of Hezbollah's arms and the delineation of the border between Lebanon and Syria. While the resumption of the National Dialogue and the attention it could pay to the issue of Hezbollah's weapons are promising signs, the Council will likely continue to be concerned about the fact that these arms remain outside the control of the government.

A related issue concerns the flows of weapons into and out of Syria, especially given Hezbollah's support for the regime of Syrian President Bashar al-Assad.

A future issue for Council members might

be how best to use UN resources in Lebanon to respond to changing events in Syria. If the character of the crisis shifts significantly, the presence of UNIFIL may provide some additional options for the Council.

Underlying Problems

Hezbollah maintains a significant military capacity in violation of resolutions 1559 and 1701. However, this has been justified by some as a reaction to the ongoing Israeli occupation of portions of Lebanon, particularly the Sheb'a Farms and Kafr Shuba hills.

The ongoing Syrian crisis will most likely indefinitely stall any meaningful implementation of resolution 1559. Conversely, any fundamental changes to the situation in Syria will impact the Council's work on Lebanon.

Option

The most likely option for the Council is to take no action on the 1559 report. The last time the Council made a formal pronouncement on such a report was in an 11 June 2007 presidential statement.

Council Dynamics

Council members' positions have not changed significantly in recent months and they are mostly in a wait-and-see mode. However, they are increasingly discussing Lebanon and Syria as highly inter-related issues as the spillover effects of the Syrian crisis continue to negatively impact Lebanon.

Regarding the Tribunal, Council members have generally underscored the importance of its independence and foresee no Council role in relation to its activities.

France is the lead country on Lebanon in the Council. •

Afghanistan

Expected Council Action

In early October the Council will consider extending for an additional year the authorisation of the International Security Assistance Force (ISAF) in Afghanistan ahead of its expiry on 13 October.

Given that the Council discussed

Afghanistan in a debate on the UN Assistance Mission in Afghanistan (UNAMA) in late September, a wider discussion is not anticipated at this point.

UNAMA's mandate expires on 23 March 2013.

Key Recent Developments

On 20 September, the Council held its quarterly debate on the situation in Afghanistan. Ján Kubiš, the Special Representative of the Secretary-General and head of UNAMA, briefed the Council. While he said that the security transition from international to

UN DOCUMENTS ON AFGHANISTAN Security Council Resolutions S/RES/2041 (22 March 2012) renewed UNAMA's mandate until 23 March 2013. S/RES/2011 (12 October 2011) extended ISAF's mandate until 13 October 2012. S/RES/1401 (28 March 2002) created UNAMA. **Latest Secretary-General's Report** S/2012/703 (13 September 2012) **Security Council Meeting Record** S/PV.6840 (20 September 2012) was the September UNAMA debate.

Afghanistan (con't)

Afghan forces was making progress, Kubiš noted that the security environment in the country was fragile. He underscored the need for the government of Afghanistan to strengthen local governance and the rule of law. Kubiš also emphasised the need for Afghanistan and its international partners to adhere to mutual obligations made at recent high-level conferences, alluding to the NATO summit in Chicago (May), the Kabul conference on regional cooperation (June) and the Tokyo conference (July). He also said that credible presidential elections, scheduled for 2014, were “essential to national unity and legitimacy”.

During the Council’s debate on children and armed conflict on 19 September, Ambassador Zahir Tanin (Afghanistan) said that any course of action that sought to ameliorate the human rights and well-being of Afghan children must also focus on diminishing the influence of terrorism and extremism in the nation. He noted that 1,396 Afghan children were killed or maimed in armed conflict last year and 74 percent of all child casualties in Afghanistan were caused by armed groups such as the Taliban and *Al-Qaida*. The government, he said, was committed to prevent underage recruitment and formally announced that military recruitment of people under 18 or over 35 would be treated as an offence.

The security situation in Afghanistan continued to be volatile in September. On 1 September, a Taliban suicide bomber detonated a truck filled with explosives near a US military base in Sayed Abad, approximately 45 miles southwest of Kabul, killing more than a dozen Afghans, including eight civilians and four police. The attack also injured 58 people.

On 4 September, a suicide bomber detonated a bomb in the midst of a funeral in the Durbaba district of Nangarhar Province in eastern Afghanistan, an area largely inhabited by the Shinwari tribe, whose members have long been at odds with the Taliban. The attacker may have been targeting district governor Hamisha Gul, who was injured in the bombing, which led to the deaths of more than 25 people and wounded dozens.

A Taliban suicide bomber, allegedly targeting a US Central Intelligence Agency facility, detonated a bomb outside NATO headquarters in Kabul on 8 September, killing

eight Afghan civilians, including six children.

In Kunduz, the capital city of the province in northern Afghanistan bearing the same name, a suicide bomber on 10 September reportedly killed 16 people, including 10 police and six civilians.

On 14 September, 15 Taliban insurgents dressed in US military uniforms blasted an opening in the outer wall of Camp Bastion, a well-defended NATO base in Helmand Province. Upon entering the base, they shot at and set fire to military equipment. During the assault, eight AV-8B Harrier jets were destroyed or damaged and two US marines were killed. NATO forces killed 14 insurgents and took one into custody.

Afghan President Hamid Karzai released a statement on 12 September condemning an anti-Islamic film that had been widely seen on the Internet. Violent protests erupted in several countries in the Muslim world in response to the video, including in Afghanistan, where hundreds of people demonstrated in Kabul. *Hezb-i-Islami*, an insurgent group, claimed responsibility for an attack on 18 September in Kabul in which a suicide bomber drove a vehicle filled with explosives into a van transporting foreigners. (It appears that the attack was in retaliation to the film.) In addition to the suicide bomber, ten foreigners, mostly South Africans, and four Afghans reportedly died in the bombing.

On 16 September, apparently in response to the spate of so-called “green on blue” attacks in which Afghan security forces turn their weapons on their NATO counterparts, ISAF announced a reduction in joint operations between ISAF personnel and Afghan security forces. As a result of the plan, joint operations now require the authorisation of an ISAF general. On 2 September, US officials also announced that training of Afghan special operations forces and local police, who constitute approximately 7 percent of all Afghan security forces, would be temporarily halted until enhanced screening is conducted.

The US transferred control of the Bagram prison to Afghan authorities on 10 September. The US and Afghanistan signed an agreement on 9 March authorising the transfer of Afghan detainees from US to Afghan custody. Since then, the US has shifted more than 3,000 prisoners in Bagram to Afghan custody. It is

also planning to hand over several hundred prisoners who have been captured and held there since 9 March. However, the US has retained custody of some 30 Afghan detainees for unspecified reasons. (It seems that some Afghan authorities disapprove of the US practice of “no trial detention”. Media reports suggest that US officials may be concerned that Afghanistan may not adhere to this practice, thus releasing potentially dangerous suspects who would be hard to prosecute.)

A NATO bombing raid on 16 September, apparently targeting Taliban insurgents, led to the deaths of eight women and girls in Laghman Province in the eastern part of Afghanistan, according to Afghan officials. It appears that the women and girls had been collecting firewood when they were killed.

On 7 September, the US government officially added to its terrorism list the *Haqqani* network, a Pakistan-based terrorist organisation responsible for several high profile attacks on NATO and civilian targets in Afghanistan.

In mid-September, Karzai announced the dismissal of ten provincial governors. Hamid Elmi, a presidential spokesman, said that these officials were being replaced because “some provinces need better governance and ... some governors were not able to carry out their duties ... and were not efficient.” The governors were replaced in Badghis, Baghlan, Faryab, Helmand, Kabul, Laghman, Logar, Nimroz, Takhar, and Wardak provinces.

On 15 September, the Afghan legislature approved Karzai’s nominations for Interior Minister (Gen. Ghulam Mujtaba Patang), Defence Minister (Bismillah Khan Mohammadi) and the head of the National Security Directorate (Asadullah Khalid), thus filling critical security positions. It has been noted that the appointments reflect the legislature’s concerns about ethnic diversity, as Khalid and Patang are Pashtuns and Mohammadi is Tajik. (Pashtuns and Tajiks represent Afghanistan’s largest ethnic groups.)

Key Issues

A key issue is the fragile security environment and the destructiveness of the insurgency, especially at a time when ISAF is drawing down its forces.

A related issue is the spate of “green on blue” attacks in recent months, which has had a negative impact on ISAF’s ability to

Afghanistan (con't)

train and work with Afghan security forces. (So far in 2012, 51 ISAF troops have died in such incidents.)

Another related issue is how to decrease the deadlines and frequency of attacks which have taken a devastating toll on civilian populations.

An additional related issue is the need to reinvigorate reconciliation between the government and the Taliban and other insurgent groups (see the enclosed brief on the 1988 Sanctions Committee).

Moving forward, an important issue is what role UNAMA will play in core mandate areas related to promoting good governance, human rights, and reconciliation—especially given the extremely challenging political and security environment and the projected cuts to UNAMA's funding for 2013.

Another issue is how to ensure that both Afghanistan and its international partners fulfil commitments made through the “mutual accountability framework” agreed at the 8 July Tokyo conference on Afghanistan. (During the conference, donors pledged more than \$16 billion in civilian assistance to Afghanistan through 2015 and committed to provide support through 2017 at or close to levels of the past decade. Through the framework, Afghanistan affirmed its commitment to the rule of law, human rights,

effective financial management and good governance, while its international partners promised to enhance the effectiveness of their aid delivery.)

Options

One option for the Council is to renew the ISAF authorisation with little change from last year except for an update addressing key recent events.

The Council may also consider adopting a resolution in which it:

- reiterates strong concern about the security environment and the toll of the conflict on civilians;
- condemns the recent attacks on ISAF troops by Afghan security forces; and
- emphasises the critical need for Afghanistan and its international partners to abide by commitments made at recent high-level conferences, most notably the “mutual accountability framework” agreed in Tokyo.

The Council could also contemplate:

- using the opportunity to hold a broader discussion about the recent deterioration in the security situation; and
- activating the Military Staff Committee as a forum to consult on strategies for enhancing security in Afghanistan and the broader region.

Council Dynamics

At press time, it appeared that negotiations on ISAF reauthorisation would begin in early October. While some Council members believe that progress is being made in the security transition from ISAF to Afghan forces, there is growing alarm among several Council members about the deterioration of security in different parts of Afghanistan and the number of civilian casualties caused by the violence.

Regarding the 2014 presidential elections in Afghanistan, a number of Council members have begun to emphasise the importance of a credible electoral process to the legitimacy of the Afghan government, a theme underscored in statements by, for example, Colombia, Guatemala and Togo during the September UNAMA debate.

At press time, the Council was contemplating a visiting mission to Afghanistan in October. Germany, which is the lead country in the Council on Afghanistan, appears to strongly favour such a trip, believing that it would provide Council members with a solid sense of the transition process to Afghan-led security and demonstrate the Council's ongoing commitment to Afghanistan. It seems, however, that some members are concerned about making the trip, given the difficult security environment. •

1988 Sanctions Committee Report

On 4 September the chair of the 1988 Sanctions Committee, Ambassador Peter Wittig (Germany), circulated the first report of the Analytical Support and Sanctions Monitoring Team (S/2012/683), as well as the accompanying Committee position paper (S/2012/684) on the recommendations proposed by the Monitoring Team.

While there is no provision for a position paper in any Council resolution, it has become a practice to issue one since the release of the 2 September 2005 third report (S/2005/572) by the Monitoring Team assisting the 1267 Al-Qaida and Taliban Committee. (The 1267 Committee was split into the 1267/1989 and 1988 Committees on 17 June 2011 in recognition of a need to treat the two entities differently.

Recognising Taliban objections to being regarded as terrorists, the 1988 Committee was also not categorised as a counter-terrorism committee in an attempt to encourage dialogue.) Although the latest report of the Monitoring Team was transmitted on 30 March 2012, it appears that some members of the Committee objected to certain substantive points in the position paper (which is drafted by the Secretariat). This led to a delay in the publication of both the report and the paper.

Overall the report suggests that the 1988 sanctions regime needs to evolve and adapt but not change radically as it tries to walk the fine line of encouraging reconciliation against a background of violence. The Monitoring Team makes clear that although it

believes that the Committee could adjust its guidelines it is too soon for drastic changes. The report notes that, although difficult to implement, sanctions do matter to the Taliban and that better implementation could lead to less insurgency. However, in its conclusions, the Monitoring Team suggests that although the Council and the Committee could take steps to improve implementation of the sanctions, it is the use of sanctions as a political tool which is possibly more important.

This first report focuses on the challenges to the implementation of the three sanctions measures: assets freeze, travel ban and arms embargo. Many of the recommendations relate to possible exemptions which would make it easier for listed individuals

1988 Sanctions Committee Report (con't)

to take part in the Afghan peace process. As the report states, the Council has prioritised “persuading the Taliban to change their behaviour and join a political process, rather than do what it can to exclude them.”

Recommendations related to the listing and delisting process focus on allowing for a longer period of time for the consideration of listing and delisting submissions, largely to allow for consultations with the Afghan government. The greater flexibility regarding exemptions appears to be a way of trying to balance the need for peace and stability in Afghanistan with the need to limit the Taliban insurgency. In fact the report frankly states that the decisions on exemptions are likely to have as “big an impact on the promotion of a political process in Afghanistan as will the full implementation of measures”.

The need to update the list is highlighted but it seems that no new names have been submitted for listing. The report suggests that of the 50 individuals the Monitoring Team has identified as the core membership of the Taliban there are nine that are not listed by the Committee and should be. A clear gap is the absence of Taliban “shadow” provincial governors in the Afghanistan-Pakistan border area. Responding to this issue, the accompanying position paper notes that some Committee members questioned the categorisation of the Taliban leadership in the Annex to the report as there are differing views on the

links between Taliban groups.

Another key section was on exemptions related to the assets freeze. Although the Committee can authorise exemptions through procedures set out in resolutions 1452 and 1753 if the assets freeze hinders the reconciliation programme, no requests have been made so far. The report suggests that the Afghan government be allowed to grant an exemption for basic expenses such as a stipend for reconciled Taliban, to facilitate their reintegration without the 48 hour waiting period as required by resolution 1452. As with many other recommendations this appears to be geared towards facilitating the use of exemptions.

In its position paper, the Committee indicates that it is currently considering improvements in granting exemptions, particularly for basic expenses for reconciled individuals and asks the Monitoring Team to provide additional information on the concept and amount of basic expenses.

The report also provides information on efforts to engage the Taliban in the reconciliation process and the obstacles to talks. While it seems the Monitoring Team did not have enough evidence to report on violations to the travel ban, the report reflects that there are some indications that listed Taliban could have been involved in talks outside of Afghanistan including assembling “in the Gulf area to discuss entering negotiations with the United States.”

Perhaps as a result, the section on the

travel ban contains a number of recommendations which would allow exemptions to be more easily granted within the context of promoting reconciliation. (No exemptions have been applied for although resolution 1988 allows for travel related to the reconciliation process and the Committee has relevant guidelines.) The recommendations suggest procedures that would allow the Afghan government to make decisions on entry or transit for those on the list as long as it reports within a certain timeframe. It also makes a number of recommendations on how the Committee could provide for variations to a travel exemption in situations which could promote reconciliation.

In response to these recommendations, the Committee emphasised that exemptions are decided on a case-by-case basis and underlined the political relevance of the travel ban exemptions to the peace process. It indicated that it would take the wide range of options into consideration.

Finally, a somewhat controversial recommendation in the report is for Pakistan to impose a country-wide ban on the import and manufacture of nitrate-based fertiliser as this would help implement the arms embargo on the export of fertiliser and other material for improvised explosive devices from Pakistan to Afghanistan. The Committee in its position paper noted that some members questioned the feasibility and practicality of this proposal as this type of fertiliser is used in all neighbouring states. •

Côte d'Ivoire

Expected Council Action

In October the Council is expected to be briefed in consultations by the chair of the Côte d'Ivoire Sanctions Committee, Ambassador Gert Rosenthal (Guatemala), and to consider the midterm report of the Group of Experts (GoE) that supports the Sanctions Committee. Resolution 2045 of 26 April adopted a set of renewed and

modified sanctions on Côte d'Ivoire, and extended the mandate of the GoE monitoring the situation to 30 April 2013. The resolution requested the GoE to submit a midterm report to the Committee by 15 October, and a final report as well as recommendations to the Council through the Committee 15 days before the end of its mandate.

No Council action is likely after the briefing.

The mandate of the UN Operation in Côte d'Ivoire (UNOCI) expires on 31 July 2013.

Key Recent Developments

On 26 July, the Council adopted resolution 2062 extending the mandate of UNOCI until 31 July 2013. The resolution emphasised that

UN DOCUMENTS ON CÔTE D'IVOIRE **Security Council Resolutions** S/RES/2062 (26 July 2012) extended the mandate of UNOCI until 31 July 2013. S/RES/2045 (26 April 2012) extended the sanctions regime on Côte d'Ivoire and the mandate of its Group of Experts. **Secretary-General's Reports** S/2012/506 (29 June 2012) was the Secretary-General's report on UNOCI. S/2012/186 (29 March 2012) was a special report by the Secretary-General on UNOCI. S/2011/387 (24 June 2011) was the 28th progress report of the Secretary-General on UNOCI. **Group of Experts Report** S/2012/196 (11 April 2012) was a report of the GoE supporting the Sanctions Committee on Côte d'Ivoire. **Letter** S/2012/430 (11 June 2012) transmitted a letter from Jeannot Kouadio-Ahoussou, Prime Minister of Côte d'Ivoire, requesting the extension of the mandate of UNOCI. **Security Council Meeting Records** S/PV.6808 (18 July 2012) was the briefing by Koenders on the Secretary-General's report of 29 June. S/PV.6777 (31 May 2012) was the briefing on the Council's visit to West Africa from 18 to 24 May. **OTHER RELEVANT FACTS** **Special Representative of the Secretary-General and Head of Mission** Albert Gerard Koenders (Netherlands) **UNOCI Force Commander** Maj. Gen. Muhammad Iqbal Asi (Pakistan)

Côte d'Ivoire (con't)

the protection of civilians “shall remain the priority for UNOCI,” and authorised the mission to use “all necessary means” to carry out this mandate within its capabilities and its areas of deployment.

In line with the 29 March special report by the Secretary-General (S/2012/186), resolution 2062 mandated the reduction of UNOCI's military component by the equivalent of one battalion “to be implemented as soon as practical.” UNOCI's police numbers, however, would remain the same, at 1,555 personnel. (The special report recommended the reduction of 850 troops in the military component in Abidjan).

On 18 July, Albert Gerard Koenders, the Secretary-General's Special Representative and head of UNOCI, briefed the Council on recent developments in the country. He noted the killing of seven UN peacekeepers from Niger on 8 June; 11 other people, including local security personnel, were also killed on that same day. Koenders told the Council the country remains volatile, attributing this to the convergence of weapons, armed elements, former combatants and militias, as well as competition over the control of resources in a situation of weak state institutions.

On 20-22 May, Council members, led by Ambassador Gérard Araud (France) and Ambassador Kodjo Menan (Togo), visited Côte d'Ivoire as part of their mission to West Africa. Reporting to the Council on 31 May, Deputy Permanent Representative Martin Briens (France) noted that among the remaining challenges to the country were “border security, reconciliation, the fight against impunity and the deep-rooted causes of the Ivorian conflict, such as land-title disputes.”

Resolution 2045 had, in view of these challenges, reiterated previous measures relating to an embargo on arms imports into the country, stating that for a period ending on 30 April 2013, “all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, whether or not originating in their territories.” (During their mission to the country, Council members received requests from officials in Côte d'Ivoire to lift the

arms embargo completely on the government.) The resolution added an exemption, however, stating that the measures “shall no longer apply to the provision of training, advice and expertise related to security and military activities, as well as to the supplies of civilian vehicles to the Ivorian security forces” as well as to “supplies of non-lethal military equipment intended solely for humanitarian or protective use, as notified in advance” to the Sanctions Committee. The resolution maintained the restrictions on exporting of all rough diamonds from Côte d'Ivoire. The measures imposing travel bans on selected individuals were also maintained.

Ambassador Rosenthal last briefed the Council as chair of the Sanctions Committee on 18 April during consultations on the Committee's activities and the final report of the GoE, which was submitted to the Council on 11 April. That 348-page report contained detailed information on the issue of arms. It recorded numerous violations of all the measures, including the arms embargo, travel ban and the restrictions on diamonds, over the past year. It noted that the sanctions regime imposed on Côte d'Ivoire since 2004 “has prevented the import of heavy weapons systems.” However, lack of cooperation with the UN has “undoubtedly allowed parties to the conflict to import, store and distribute small arms and light weapons and related materiel according to their strategic needs.” The Ivorian authorities, the report said, “do not have the capacity to properly control the transit of goods in northern Côte d'Ivoire and the circulation of weapons there remains an important concern”.

On diamonds, the report noted that significant illegal mining activity had been ongoing in the northern part of the country and that this meant that diamonds were being smuggled out in violation of the embargo and Kimberley Process guidelines. The report noted that since “the basic economic structure of the former *Forces Nouvelles*, in particular in those areas that continue to be under the influence of zone commanders, remains somewhat intact, it can be contemplated that this structure, or elements of this structure, continue to benefit from diamond revenues, as do non-Ivorian individuals and entities who remain

unlicensed.” As Côte d'Ivoire remains the only diamond-producing country that cannot legally export diamonds, the report called on the government to engage with its neighbours to seek assistance and take advantage of their experience and knowledge with regard to the development of Kimberley Process compliance and meeting the minimum requirements.

The report said that Charles Blé Goudé, a notorious former ally of former President Laurent Gbagbo and a key individual on the travel ban list, is believed to be active in violent anti-government activities from a neighbouring country, constituting a clear violation of the travel ban.

Human Rights-Related Developments

During her opening statement at the September session of the Human Rights Council, Navi Pillay, the High Commissioner for Human Rights, recalled her July condemnation of the ethnically-motivated attacks on internally displaced persons in Côte d'Ivoire and reiterated that no national reconciliation could be achieved without impartial justice and full accountability. She said that her office would continue to provide assistance and advisory services to the Dialogue, Truth and Reconciliation Commission to facilitate the organisation of national consultations as well as strengthening its compliance with international human rights standards and good practices.

Key Issues

The key overarching issue for the Council is the continuing violent activity of anti-government forces in the country, threatening the fragile stability of the country and the lives of UN personnel, including UNOCI troops.

A closely related issue is how to control the flow and movement of arms and armed personnel in the country and enhance the implementation of Council-imposed sanctions.

Ensuring the implementation of measures to address impunity in the country, including assisting the efforts undertaken by the International Criminal Court, is an ongoing issue.

Options

Options for the Council include:

- receiving the briefing and taking no action; or
- issuing a press statement emphasising the need for compliance with the measures in resolution 2045 by all parties in Côte d'Ivoire and neighbouring countries.

Côte d'Ivoire (con't)

Council Dynamics

Council members appear to be in agreement in their concern about the proliferation of weapons—many of them unaccounted for—in the country, as well as the presence of

ill-trained and undisciplined forces within the security agencies, including the army and police. Therefore, though the government of President Alassane Ouattara is well respected within the Council, members are

unlikely to contemplate lifting the arms embargo at this stage.

France is the lead country in the Council on Côte d'Ivoire. •

Sierra Leone

Expected Council Action

In October, the Council will receive a briefing from Justice Shireen Avis Fisher, the President of the Special Court for Sierra Leone (SCSL), and Brenda Hollis, the Chief Prosecutor of the Court.

No Council action is expected after the briefing.

Background

Though it did not create it, the Council has been involved with the SCSL from the start. On 14 August 2000, it adopted resolution 1315 requesting the Secretary-General to negotiate an agreement with the government of Sierra Leone to create an independent special court to prosecute persons who bear the greatest responsibility for the commission of crimes in Sierra Leone.

On 16 January 2002, the UN and Sierra Leone signed an agreement on the

establishment of the SCSL, composed of international and national judges and staff, to prosecute those responsible for serious violations of international humanitarian law and national law committed in the territory of Sierra Leone since 30 November 1996.

The UN and Sierra Leone agreed in 2010 on a completion strategy and the establishment of a residual court in Sierra Leone after the completion of the trial of former Liberian President Charles Taylor. On 30 May, Taylor was sentenced to 50 years in prison for war crimes. The appeals phase of the trial, which will now continue into 2013, was expected to be concluded by July 2012.

The agreement establishing the SCSL states that the Court will be funded by voluntary contributions, yet since 2010 these have not been sufficient. In 2011 and 2012 the General Assembly approved subventions for the SCSL of approximately \$9 million

each year. On 21 June, the General Assembly decided to allow the Court to use these sums beyond the initially agreed termination date of 31 July 2012 through to the end of 2013, but it did not approve a new subvention. While the Fifth Committee of the General Assembly was discussing these issues in May, the SCSL had already spent half of its budget for the 2012-2013 biennium and is likely to be without funds as it continues to operate in 2013.

Council Dynamics

There is general support for the SCSL in the Council, yet the sense among Council members is also that the Taylor trial ought to have been brought to an end this year. Council members are eager at this point to see the proceedings end and for the residual court to commence its work. •

Haiti

Expected Council Action

In October, the Council is expected to renew for an additional 12 months the mandate of the UN Stabilisation Mission in Haiti (MINUSTAH) which expires on 15 October. A debate, preceded by a briefing by Mariano Fernández, the Special Representative of the Secretary-General and head of the mission, on the work of MINUSTAH and the semi-annual report by the Secretary-General (S/2012/678), is also planned.

Key Recent Developments

The Council last debated the situation in

Haiti on 8 March when Fernández briefed the Council. He emphasised that tensions between the legislative and executive branches of government needed to be avoided, stating that divisions in the political class hindered progress in the strengthening of institutions. While noting the increased effectiveness of the Haitian National Police (HNP), he said the capacity of the police still needed to be bolstered to address security challenges, pointing in particular to violence against women as a major concern in Haiti. Fernández reported that parliamentary, municipal and local elections, which

had been planned for November 2011 but were delayed, needed to be conducted in the near future to promote the country's stability. He also said that the cholera epidemic, which was traced to UN peacekeepers and sexual assaults committed by UN peacekeepers, had tarnished the image of the mission.

On 3 May, the Chamber of Deputies approved Laurent Lamothe as Prime Minister, in a 62-3 vote. (Exiting Prime Minister Garry Conille had a tense relationship with President Michel Martelly, causing gridlock in governance. Conille resigned

UN DOCUMENTS ON SIERRA LEONE Security Council Resolution S/RES/1315 (14 August 2000) requested the Secretary-General to negotiate an agreement with Sierra Leone to create an independent special court. **Other** A/66/PV.117 (21 June 2012) endorsed the recommendations of the Chair of the Advisory Committee on Administrative and Budgetary Questions to allow the utilisation of the subvention amount to the SCSL beyond 31 July 2012. [GA/AB/4032](#) (24 May 2012) was the meeting of the General Assembly's Fifth Committee discussing the subvention to the SCSL. [A/RES/66/247](#) (24 December 2011) authorised the Secretary-General to commit a sum of no more than \$9.06 million to the SCSL in the budget for the biennium 2012-2013.

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after only four months in office.) Lamothe has advocated greater investment in infrastructure projects and tourism as means to develop the economy. He has also outlined an anti-poverty campaign that calls for free primary school tuition and cash transfers to low-income mothers.

A group of army veterans and young recruits, some bearing small arms, gathered outside Parliament in Port-au-Prince on 17 April, demanding an audience with legislators after having heard reports that the government was planning to remove them from sites across Haiti that they had occupied unlawfully. (The protestors are part of a group that demands the reestablishment of the national army and severance pay for army veterans. The army was disbanded in 1995.)

The protestors left the scene without violence. However, Martelly condemned the gathering, indicating that while he wanted to reestablish the army, this needed to be accomplished through legal means.

On 6 May, MINUSTAH launched *Operation Sunrise* to counter the activities of illegally armed groups. On 18 May, it had dislodged the illegally armed groups from various sites in conjunction with the HNP. No casualties were reported as a result of the operation.

On 19 June, Martelly declared that a series of constitutional amendments had been published, thus coming into effect. Key amendments include:

- the creation of a Permanent Electoral Council;
- the establishment of a Constitutional Council (to provide judicial review of constitutional issues);
- the provision that at least 30 percent of government posts be held by women; and
- the provision that Haitians who also hold foreign passports will be allowed to vote and hold minor political office. (They will not be allowed to serve as President, Prime Minister, Senator or member of the Chamber of Deputies).

On 12 September, the Council held a meeting with MINUSTAH troop- and

police-contributing countries. During the meeting, Fernández underscored political progress that had been made in the country, with the appointment of a new Prime Minister and the publication of the constitutional amendments. However, he cautioned that socioeconomic development was necessary to consolidate security gains in Haiti.

The Secretary-General issued his latest report on MINUSTAH on 31 August. He noted that Haiti was making political progress and that the security situation was “relatively stable,” although there had been “sporadic instances of civil unrest” due mainly to “socioeconomic grievance and instability caused by elements of the former armed forces and new recruits.” He recommended that the Council authorise the mission for an additional year and consider reducing troop levels from 7,340 to 6,270 and police levels from 3,241 to 2,601 by June 2013.

Human Rights-Related Developments

From 12 to 15 September, the Assistant Secretary-General for Human Rights, Ivan Šimonović, visited Haiti to discuss human rights challenges ahead of the revision of MINUSTAH's mandate by the Security Council. Šimonović noted that Haiti was at a crossroads showing signs of progress but facing challenges on justice reform and poverty and called for the planned downsizing of MINUSTAH's military forces to be accompanied by further support to the national police and the rule of law institutions.

On 3- 4 July during its 20th session, the Human Rights Council held an interactive dialogue with the Independent Expert on Haiti, Michel Forst. Forst welcomed the considerable progress made by the government but noted that gender-based violence and rape persisted and were exacerbated by impunity prevailing in Haiti. Forst also called upon States which are forcibly returning individuals to Haiti to take into account humanitarian factors, as he had recommended in his June report on forced returns of Haitians from third States.

Key Issues

A set of key issues relates to how the Council responds to the Secretary-General's recommendation to reconfigure MINUSTAH. In this context, an important issue is whether and how any reconfiguration impacts the

mission's effectiveness. A related issue is how to ensure that the capacity of the HNP continues to grow, especially considering the potential for an ongoing reduction in MINUSTAH's force structure.

An additional key issue is how to support parliamentary, municipal and local elections, which have been delayed and are crucial to the functioning and strengthening of democracy.

A further issue is the need to ensure that there is effective coordination, cooperation and communication among MINUSTAH, the UN Country Team and the government. (In keeping with this goal, MINUSTAH and the UN Country Team have finalised an Integrated Strategic Framework for 2013-2016 that aligns with Haiti's Strategic Development Plan and sets out priorities for UN engagement.)

Underlying Problems

The strained relations between the legislative and executive branches pose a particularly serious challenge in Haiti. (MINUSTAH has made efforts to help nurture them and there have been some modest signs of improvement.)

A potentially serious practical problem resulting from the delayed elections is that it will be highly implausible for the Senate to approve the three appointments allotted to it for the nine-member Permanent Electoral Council. This is because these three appointments require a two-thirds vote of the Senate, and the terms of ten of the 30 senators, or one-third, expired in May and their seats have not been filled due to the delay in the elections.

Options

The most likely option is for the Council to renew the mandate of the mission for an additional year at the reduced force level recommended by the Secretary-General.

In renewing the mission, additional options include:

- emphasising the importance of holding the delayed parliamentary, municipal, and local elections;

UN DOCUMENTS ON HAITI [Security Council Resolutions S/RES/2012](#) (14 October 2011) renewed the mandate of MINUSTAH and reduced the number of military personnel by 1,600 and police personnel by 1,150. [S/RES/1944](#) (14 October 2010) renewed the mandate of MINUSTAH and called for a comprehensive assessment of the security environment in 2011 following the elections. [S/RES/1927](#) (4 June 2010) authorised the deployment of 680 additional officers for the police component of MINUSTAH as a temporary surge, with a particular focus on building the capacity of the HNP. [S/RES/1908](#) (19 January 2010) bolstered the police and troop contingents of MINUSTAH by 1,500 additional police and 2,000 additional military personnel. [Latest Secretary-General's Report S/2012/678](#) (31 August 2012) [Security Council Meeting Record S/PV.6732](#) (8 March 2012) was the most recent debate on Haiti. [Other S/2012/534](#) (11 July 2012) was the report on the Security Council's 13-16 February trip to Haiti. **OTHER RELEVANT FACTS ON HAITI** [Special Representative of the Secretary-General and Head of MINUSTAH](#) Mariano Fernández (Chile) [Size and Composition of Mission](#) Current strength as of 31 August: 10,101 total uniformed personnel, including 7,276 troops and 2,825 police (including formed units). (The uniformed personnel are supported by 475 international civilian personnel [as of 31 July], 1,328 local civilian staff [as of 31 July] and 197 UN volunteers.) **USEFUL ADDITIONAL SOURCE** [Towards a Post-MINUSTAH Haiti: Making an Effective Transition](#), Latin America/Caribbean Report No. 44, International Crisis Group, 2 August 2012

Haiti (con't)

- expressing encouragement for signs of progress in improving the relationship between the legislative and executive branches;
 - highlighting the ongoing need to strengthen the capacity of the HNP;
 - express concern about the impact of the cholera epidemic, which has claimed 7,440 lives to date; and
 - requesting more regular briefings from the Department of Peacekeeping Operations on the situation in Haiti (in addition to the customary semi-annual briefings coinciding with the Secretary-General's reports).
- the Secretary-General's recommendation to reconfigure the force structure of MINUSTAH. Council members recognise that the surge in the mission's troop and police capacity after the 2010 earthquake was only intended to be a temporary measure. There is also growing awareness among several Council members that the mission cannot remain in Haiti indefinitely. At the same time, most Council members seem to be sensitive about not leaving the country until gains in security, governance and the rule of law are consolidated.

There are differences of opinion regarding some of the tasks that should engage MINUSTAH personnel. Germany and the UK in particular have argued that civil

reconstruction activities that the mission is currently engaged in would be better left to civilians and other UN agencies. However, several members, including Colombia, India and South Africa, believe that it is appropriate for the mission to carry out such tasks, expressing their support for the mission's engineering components in the last debate.

Several Council members have highlighted the need to strengthen the capacity of the HNP and the importance of strengthening the relationship between the executive and legislative branches.

The US is the lead country on Haiti. •

Council Dynamics

There appears to be widespread support for

Women, Peace and Security

Expected Council Action

In late October the Council is due to hold its annual open debate on women, peace and security. The head of UN Women, Michelle Bachelet, and the head of the Department of Peacekeeping Operations, Hervé Ladsous, are expected to brief along with civil society representatives. The Secretary-General may also address the Council. Guatemala, as president of the Council in October, plans to circulate a concept note ahead of the debate.

The Council also expects the Secretary-General's annual report on the implementation of resolution 1325 which in 2000 recognised that conflict has a disproportionate impact on women and urged women's participation in peace and security processes. As requested by the Council in its 28 October 2011 presidential statement, the report is likely to contain a comprehensive overview of specific actions, achievements and challenges to the implementation of the women, peace and security agenda, in

particular those concerning the participation of women in mediation and preventive diplomacy.

The Council is expected to adopt a presidential statement following the debate.

Key Recent Developments

The Council held its last annual open debate on women, peace and security on 28 October 2011 with a focus on conflict prevention and mediation. This month's annual debate will focus on the role of women's civil society organisations in contributing to the prevention and resolution of armed conflict and peacebuilding. It is expected to bring attention to women's organisations' engagement with helping to implement peace agreements, ensuring the protection of women's human rights defenders in conflict and post-conflict settings and integrating women's and girl's security in transitions—such as during the drawdown of a UN mission. Another objective of the debate is to try to identify a series

of best practices by women's civil society organisations that have been effective in overcoming significant obstacles to women's participation—such as security threats, displacement, lack of resources and information—that have the potential to be scaled up for country-wide implementation or as a model for other situations. (This debate would be the first to focus specifically on women's civil society organisations.)

The Council has held two formal meetings on women, peace and security this year.

On 23 February, there was an open debate on the Secretary-General's annual report on conflict-related sexual violence (The next such report and debate are expected in early 2013.) Margot Wallström, the then Special Representative of the Secretary-General on the issue, briefed together with Ladsous and a representative from civil society who headed a Libya-based NGO on women's empowerment. Following the debate, the Council adopted a presidential statement

UN DOCUMENTS ON WOMEN, PEACE AND SECURITY **Security Council Resolutions** S/RES/1960 (16 December 2010) is on conflict-related sexual violence. S/RES/1889 (5 October 2009) urged member states, UN bodies, donors and civil society to ensure that women's protection and empowerment is taken into account during post-conflict needs assessment and planning. S/RES/1888 (30 September 2009) established mechanisms for the UN to address sexual violence in conflict. S/RES/1820 (19 June 2008) confirmed the Council's readiness to address more systematically the use of sexual violence in conflicts on its agenda. S/RES/1325 (31 October 2000) recognised that conflict has a disproportionate impact on women and promoted women's participation in peace and security processes. **Security Council Presidential Statements** S/PRST/2012/3 (23 February 2012) commended the work of the Secretary-General's Special Representative on Sexual Violence in Conflict and stressed the need for continued data collection under the monitoring, analysis and reporting arrangements on sexual violence. S/PRST/2011/20 (28 October 2011) underlined the importance of the participation of women in conflict prevention and resolution efforts. S/PRST/2010/22 (26 October 2010) supported taking forward the indicators as an initial framework for the UN system and member states to track implementation of resolution 1325. **Security Council Meeting Records** S/PV.6759 (24 April 2012) was the Council's last briefing by the head of UN Women. S/PV.6722 and **resumption 1** (23 February 2012) was the last open debate on conflict-related sexual violence. S/PV.6642 and **resumption 1** (28 October 2011) was the last open debate on women, peace and security. **Secretary-General's Reports** S/2012/33 (13 January 2012) on conflict-related sexual violence that included an annex listing the parties credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Council's agenda. S/2011/598 (29 September 2011) provided the Council with an overview of the implementation of resolution 1325, including information collected on one-third of the indicators as well as a strategic framework to guide implementation of resolution 1325 over the next ten years.

Women, Peace and Security (con't)

that stressed the need for continued data collection under the monitoring, analysis and reporting arrangements on sexual violence in armed conflict, post-conflict situations and other situations relevant to the Special Representative's mandate. On 22 June, Zainab Hawa Bangura (Sierra Leone) was appointed as the new Special Representative on Sexual Violence in Conflict.

On 24 April, Bachelet briefed the Council on women's engagement in conflict resolution and transitional justice in post-conflict situations, including trends that impact women in preparation for post-conflict elections. Ladsous briefed on protection and political participation of women from a peacekeeping perspective and touched on country-specific examples, including Côte d'Ivoire, the Democratic Republic of Congo, Haiti, Liberia and Timor-Leste.

Additionally, on 18 May, Council members met informally with gender advisers from UN missions in Afghanistan, Côte d'Ivoire and Haiti in a closed "Arria formula" session organised by Portugal to discuss the achievements and challenges in implementing the women, peace and security agenda in peacekeeping missions—in particular women's participation in peace negotiations and post-conflict reconstruction.

In late September, on the sidelines of the

General Assembly there were two high-level gatherings related to women, peace and security. On 24 September, the Secretary-General and Bachelet along with high-level representatives from 80 countries focused on the need to strengthen women's access to justice. On 25 September, the UK, UN Women and the Office of the Special Representative on Sexual Violence in Conflict hosted a high-level panel on preventing sexual and gender-based crimes in conflict and securing justice for survivors.

Key Issues

A key issue for the Council is continuing to work to ensure that the norms of the women, peace and security agenda are integrated into all of the Council's work. In particular, an issue for Council members is identifying ways the Council could provide better guidance to Council-mandated peacekeeping and political missions to enhance implementation of the agenda on the ground. In this regard, women's civil society organisations could provide a useful grassroots perspective on this issue.

Options

One option for the Council is adopting a presidential statement with tightly focused language reaffirming the Council's commitments to the women, peace and security

agenda established by resolutions 1325, 1820, 1888, 1889 and 1960.

Another option would be to also include in the statement a reference to any salient points regarding the role of women's civil society organisations in enhancing the speed of and consistency in the implementation of these Council resolutions.

Council Dynamics

Council members are generally supportive of the women, peace and security framework, and most are ready to push for better implementation of resolution 1325. However, over the course of the last year Council divisions have emerged on other thematic issues such as children and armed conflict, protection of civilians and the sexual-violence aspect of the women, peace and security agenda. The divisions seem to be centred on varying interpretations on the scope of the reporting mandate of the Special Representatives for Children and Armed Conflict and Sexual Violence. Most Council members are not expecting these divisions to negatively impact the broader 1325 women's participation agenda. In principle, the adoption of a presidential statement following the debate should be uncontroversial.

The UK is the lead country on women, peace and security in the Council. •

Security Council Elections 2012

Expected Action

On 18 October, the General Assembly is expected to hold elections for five members of the Security Council. The new members will take up their seats on 1 January 2013 and will serve on the Council through 31 December 2014.

(Please see our 25 September *Special Research Report: Security Council Elections 2012* for more detailed information.)

Background

The five seats up for election in 2012 will be distributed regionally as follows:

- one seat for the African Group, currently held by South Africa;

- one seat for the Group of Asia and the Pacific Small Island Developing States (Asia-Pacific Group), currently held by India;
- one seat for the Group of Latin American and Caribbean States (GRULAC), currently held by Colombia; and
- two seats for the Western European and Others Group (WEOG), currently held by Germany and Portugal.

At press time, it appeared that Argentina and Rwanda would enjoy a "clean slate" (uncontested) election. (Argentina is a member of GRULAC, while Rwanda is part of the African Group.)

- Argentina, a UN member since 1945, has

served on the Council eight times (1948-1949, 1959-1960, 1966-1967, 1971-1972, 1987-1988, 1994-1995, 1999-2000, 2005-2006).

- Rwanda, admitted to the UN on 18 September 1962, has served on the Council once (1994-1995).

In contrast, it seems that the other two races will be contested.

The Asia-Pacific Group has three candidates vying for one available seat:

- Bhutan, admitted to the UN on 21 September 1971, has never served on the Council.
- Cambodia, which became a UN member on 14 December 1955, has also never

GENERAL ASSEMBLY DOCUMENTS ON ELECTIONS A/66/PV.40 and A/66/PV.39 (24 October) and A/66/PV.38 and A/66/PV.37 (21 October 2011) were the plenary records of the 2011 elections of non-permanent members. A/RES/1991 A (XVIII) (17 December 1963) adopted amendments to the Charter on the Council's composition and established the allocation of seats to various regions. GAOR 1st Session, Part 1, 14th Plenary Session and Part II (12 January 1946) was the first election of non-permanent members.

Security Council Elections 2012 (con't)

served on the Council.

- Republic of Korea, which became a UN member on 17 September 1991, has served on the Council once (1996-1997).

Three WEOG candidates—Australia, Finland and Luxembourg—are competing for two seats:

- Australia, a member of the UN since 1945, has been on the Council four times (1946-1947, 1956-1957, 1973-1974, 1985-1986).
- Finland, a member of the UN since 14 December 1955, has served on the Council twice (1969-1970, 1989-1990).
- Luxembourg, a member of the UN since 1945, has never served on the Council.

The table below shows the number of seats available per region in the 2012 election, the declared candidates and their prior Council terms.

REGION	SEATS AVAILABLE IN 2012	STATES RUNNING AND PREVIOUS TERMS ON THE COUNCIL
Africa	1	Rwanda (1994-1995)
Asia-Pacific	1	Bhutan (never served) Cambodia (never served) Republic of Korea (1996-1997)
Western Europe and Other	2	Australia (1946-1947, 1956-1957, 1973-1974, 1985-1986) Finland (1969-1970, 1989-1990) Luxembourg (never served)
Latin America and Caribbean	1	Argentina (1948-1949, 1959-1960, 1966-1967, 1971-1972, 1987-1988, 1994-1995, 1999-2000, 2005-2006)

knowing the exact composition of the new Council, the interests of the current candidates provide some perspective on general patterns that might emerge.

Several of the candidates appear to have a strong interest in situations in their respective regions that are on the Council's agenda. Rwanda sees its security as closely connected to events in the Democratic Republic of the Congo and will likely play an active role. Argentina has several hundred peacekeepers in Haiti and is a member of the Group of Friends on Haiti. It should find a strong ally in its support of Haiti's reconstruction in current GRULAC Council member Guatemala. If elected to the Council, the Republic of Korea will likely take a keen interest in, and play an active role in, the Council's approach to the Democratic People's Republic of Korea (DPRK).

There also appears to be a strong desire among all the candidates to enhance the transparency and inclusiveness of the Council's work. While progress in its working methods has been modest in recent years, there have been some developments, with innovations such as the informal interactive dialogues, the Department of Political Affairs "horizon scanning" briefings and more frequent briefings by the UN High Commissioner for Human Rights. The newly elected Council members may build on the recent developments in working methods, while attempting to reach out in meaningful ways to the wider membership and civil society.

Another notable factor is that most of the candidates have a broad perspective on issues that constitute threats to peace and

security and the range of tools at the Council's disposal. Nearly all underscore the linkages between security and development, and several of them emphasise the importance of emerging threats such as climate change, transnational organised crime and drug trafficking. Several of the candidates, particularly Rwanda and the three WEOG candidates, have also underscored the value of conflict prevention and peacebuilding, in keeping with a trend that has been developing in the Council's work over the past several years.

Argentina and Rwanda—as well as the three WEOG candidates—share a strong interest in the responsibility to protect (R2P) concept. It is not clear how they might choose to promote this concept within the Council, as there seems to have been a lingering backlash among some Council members toward the concept as a result of the controversies surrounding the implementation of resolution 1973 on Libya.

EU presence on the Council will either remain at four countries or decrease to three. This depends on whether both Finland and Luxembourg are elected, to replace current EU members Germany and Portugal or if only one is elected, alongside Australia. (Permanent members France and the UK are also members of the EU.)

With India and South Africa rotating off the Council at the end of the year, members of the India-Brazil-South Africa Dialogue Forum (IBSA) will no longer have a presence on the Council after serving together in 2011 and at times coordinating on issues of common concern. •

Voting Procedures

Elections to the Council, as with other principal organs of the UN, require formal balloting, even if candidates have been endorsed by their regional group and are running on a "clean slate". Furthermore, a country must secure votes from two-thirds of the member states present and voting at the General Assembly session in order to secure a seat on the Council. If no candidate obtains the required number of votes in the first round, voting in the next round is restricted to the candidates that received the most votes. In this restricted ballot, the number of countries included is limited to twice the number of vacant seats; for example, if one seat is available only the two countries that received the most votes in the first round would contest the next round. (Any votes for other candidates during this restricted voting round are considered void.) This restricted voting process can continue for up to three rounds of voting. If, at this point, a candidate still fails to garner the minimum number of votes, unrestricted voting is reopened for up to three rounds. This pattern of restricted and unrestricted voting continues until a candidate is successful in securing the required two-thirds of the votes.

Potential Dynamics Involving Council Membership in 2013

While it is impossible to evaluate how Council dynamics in 2013 will evolve without

Notable Dates for October

REPORT DUE	REPORTS FOR CONSIDERATION IN OCTOBER	REQUESTING DOCUMENT
31 August	SG report on MINUSTAH (Haiti)	S/RES/2012
27 September	SG report on UNISFA (Abyei)	S/RES/2047
late September	SG report on Women, Peace and Security	S/PRST/2011/20
15 October	Côte d'Ivoire Group of Experts mid-term report	S/RES/2045
17 October	SG report on UNAMID (Darfur)	S/RES/2023
19 October	SG report on the implementation of 1559 (Lebanon)	S/PRST/2004/36 S/RES/1559

MANDATES EXPIRE	RELEVANT DOCUMENT
13 October	ISAF (Afghanistan)
15 October	MINUSTAH (Haiti)
31 October	AMISOM (Somalia)

OTHER IMPORTANT DATES

7 October	The Council is expected to receive a briefing from the president of the Special Court for Sierra Leone.
15 October	The Council will hold its quarterly open debate on the Middle East.
17 October	The Council is scheduled to hold an open debate on the rule of law.
18 October	The General Assembly will hold elections for five non-permanent members of the Security Council.
29 October	The Council will hold its annual open debate on women, peace and security.
30 October	The Council is scheduled to adopt its annual report.

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